

WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

6117



PERTH, WEDNESDAY, 8 DECEMBER 2010 No. 232 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF MANJIMUP

LOCAL PLANNING
SCHEME No. 4

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF MANJIMUP****LOCAL PLANNING SCHEME No. 4****PREAMBLE**

This Local Planning Scheme of the Shire of Manjimup consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the local government.

Part 2 of the Scheme Text sets out the Local Planning Policy Framework. At the core of this framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the framework provides for Local Planning Policies, which set out the general policies of the local governments on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

Queries regarding any aspect of the Scheme and how it may affect proposals for the future development and use of land within the local government district should be directed to the—

Shire of Manjimup Administration Centre
37-39 Rose Street, Manjimup
PO Box 1 Manjimup WA 6258
Telephone: 9771 7777
Facsimile: 9771 7771

SCHEME DETAILS

SHIRE OF MANJIMUP

LOCAL PLANNING SCHEME No. 4

The Shire of Manjimup under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

Notes: Advisory or explanatory notes are contained in boxes under the heading "Notes" and do not form part of the Scheme.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF MANJIMUP

LOCAL PLANNING SCHEME No. 4

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Purposes of Scheme
- 1.6 Vision Statement and Objectives
- 1.7 The Aims of the Scheme
- 1.8 Definitions
- 1.9 Relationship with Local Laws
- 1.10 Relationship with other Schemes
- 1.11 Relationship to other Statements of Planning Policy

PART 2—LOCAL PLANNING POLICY FRAMEWORK

- 2.1 Scheme determinations to conform with Local Planning Strategy
- 2.2 Local Planning Policies
- 2.3 Relationship of Local Planning Policies to Scheme
- 2.4 Procedure for making or amending a Local Planning Policy
- 2.5 Revocation of Local Planning Policy
- 2.6 Transitional provisions relating to Local Planning Policies
- 2.7 Power to Make Planning Precinct Statements

PART 3—RESERVES

- 3.1 Reserves
- 3.2 Regional Reserves
- 3.3 Local Reserves
- 3.4 Use and Development of Local Reserves
- 3.5 Public Works

PART 4—ZONES AND THE USE OF LAND

- 4.1 Zones
- 4.2 Town Centre Zone
- 4.3 Residential Zone
- 4.4 Priority Agriculture Zone
- 4.5 General Agriculture Zone
- 4.6 Rural Residential Zone
- 4.7 Rural Smallholdings Zone
- 4.8 Rural Conservation Zone
- 4.9 Bushland Protection Zone
- 4.10 Industry Zone
- 4.11 Tourist Enterprise Zone
- 4.12 Special Use Zone
- 4.13 Enterprise Zone
- 4.14 Clubs and Institutions Zone
- 4.15 Caravan Park Zone
- 4.16 Future Development Zone
- 4.17 Additional Uses
- 4.18 Restricted Uses
- 4.19 Zoning Table
- 4.20 Interpretation of the Zoning Table
- 4.21 Non-conforming Uses
- 4.22 Extensions and Changes to a Non-conforming Use

- 4.23 Discontinuance of Non-conforming Use
- 4.24 Termination of a Non-conforming Use
- 4.25 Destruction of Non-conforming Use buildings

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

- 5.1 Compliance with Development Requirements
- 5.2 Residential Design Codes
- 5.3 Special Application of Residential Design Codes
- 5.4 Restrictive Covenants
- 5.5 Variations to Site and Development Standards and Requirements
- 5.6 Environmental Conditions
- 5.7 Clearing Land
- 5.8 Preservation of Trees in Urban Zones
- 5.9 Natural Resource Management
- 5.10 Protection of Water Source
- 5.11 Waterway Resource Management and Protection
- 5.12 Amenity Provisions
- 5.13 Landscaping
- 5.14 Retaining Walls / Screen Walls
- 5.15 Storage of Goods
- 5.16 Parking of Commercial Vehicles in Residential and Rural Residential Zones
- 5.17 Car Parking Requirements
- 5.18 Traffic Management
- 5.19 Development of Land without Constructed/Dedicated Road Frontage or Access
- 5.20 Development Below High Water Mark
- 5.21 Services to All Development
- 5.22 Waste Disposal
- 5.23 Sewerage Connection for Residential Development
- 5.24 Dwellings Without Reticulated Mains Water Supply
- 5.25 Bush Fire Hazard and Fire Management Plans
- 5.26 Telecommunications Infrastructure
- 5.27 Power Generation
- 5.28 Provisions and Contributions for Services and Facilities
- 5.29 Advertisements
- 5.30 Home Office/Home Occupation/Home Business
- 5.31 Building Envelopes
- 5.32 Town Centre Zone
- 5.33 Residential Zone
- 5.34 Priority Agricultural Zone
- 5.35 General Agriculture Zone
- 5.36 Rural Residential Zone
- 5.37 Rural Smallholdings Zone
- 5.38 Rural Conservation Zone
- 5.39 Bushland Protection Zone
- 5.40 Industry Zone
- 5.41 Tourist Enterprise Zone
- 5.42 Special Use Zone
- 5.43 Enterprise Zone
- 5.44 Clubs and Institutions Zone
- 5.45 Caravan Park Zone
- 5.46 Future Development Zone

PART 6—SPECIAL CONTROL AREAS AND DEVELOPMENT INVESTIGATION AREAS

- 6.1 Operation of Special Control Areas
- 6.2 Water Catchment Special Control Areas (SCA 1 to 7, inclusive)
- 6.3 Airstrip Obstacle Limitation—(SCA 8)
- 6.4 Structure Plan Areas—(SCA 9)
- 6.5 Development Investigation Areas

PART 7—HERITAGE PROTECTION

- 7.1 Heritage List
- 7.2 Designation of a Heritage Area
- 7.3 Heritage Agreements
- 7.4 Heritage Assessment
- 7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

PART 8—DEVELOPMENT OF LAND

- 8.1 Requirement for Approval to Commence Development
- 8.2 Compliance with Development Standards and Requirements
- 8.3 Restrictive Covenants
- 8.4 Permitted Development
- 8.5 Amending or Revoking a Planning Approval
- 8.6 Unauthorized Existing Developments

PART 9—APPLICATIONS FOR PLANNING APPROVAL

- 9.1 Form of Application
- 9.2 Application Fee
- 9.3 Accompanying Material
- 9.4 Additional material for Heritage Matters
- 9.5 Applications Containing Insufficient Information
- 9.6 Advertising of Applications
- 9.7 The Need for Approval from the Minister for Indigenous Affairs

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

- 10.1 Consultation with Other Authorities
- 10.2 Matters to be Considered by Local Government
- 10.3 Determination of Applications
- 10.4 Form and Date of Determination
- 10.5 Term of Planning Approval
- 10.6 Temporary Planning Approval
- 10.7 Scope of Planning Approval
- 10.8 Approval Subject to Later Approval of Details
- 10.9 Requests for Reconsideration
- 10.10 Deemed Refusal
- 10.11 Right of Review

PART 11—ENFORCEMENT AND ADMINISTRATION

- 11.1 Powers of the Local Government
- 11.2 Removal and Repair of Existing Advertisements
- 11.3 Delegation of Functions
- 11.4 Person must Comply with Provisions of Scheme
- 11.5 Compensation
- 11.6 Purchase or Taking of Land
- 11.7 Directions by Local Government regarding Unauthorised Development

SCHEDULES

- Schedule 1—Dictionary of defined word and expressions
 - General definitions
 - Land use definitions
- Schedule 2—Rural Residential—Additional Requirements
- Schedule 3—Rural Smallholdings—Additional Requirements
- Schedule 4—Rural Conservation—Additional Requirements
- Schedule 5—Tourist Enterprise
- Schedule 6—Special Use
- Schedule 7—Enterprise Zone
- Schedule 8—Planning Precinct Statements
- Schedule 9—Additional Uses
- Schedule 10—Environmental Conditions
- Schedule 11—Special Control Areas
- Schedule 12—Form of application for planning approval
- Schedule 13—Notice of determination on application for planning approval
- Schedule 14—Notice of public advertisement of planning proposal
- Schedule 15—Exempted Advertisements
- Schedule 16—Additional information for advertisements
- Schedule 17—Abbreviations
- Schedule 18—Restricted Uses
- Schedule 19—Development investigation areas

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF MANJIMUP

LOCAL PLANNING SCHEME No. 4**PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Manjimup Local Planning Scheme No. 4 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

Shire of Manjimup Town Planning Scheme No. 2—Gazetted 18 September 1987.

1.2 Responsible Authority

1.2.1 The Shire of Manjimup is the responsible authority for implementing the Scheme for the municipal district of the Shire of Manjimup.

1.2.2 Reference to the local government in the Scheme means the Council of the authority responsible for the area in which a proposed development or use is to be located.

1.3 Scheme Area

The Scheme applies to the Scheme area, which covers all of the local government district of the Shire of Manjimup as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises of—

- (i) The Scheme Text;
- (ii) The Scheme Map (12 sheets).

The Scheme is to be read in conjunction with the Local Planning Strategy.

Notes: The Scheme Maps comprise 12 sheets depicting the reservation of land for public purposes and the zoning and density coding of remaining land and individual Planning Precincts within the Scheme Area.

1.5 Purposes of Scheme

The purposes of the Scheme are to—

- (i) set out the local government’s planning aims and intentions for the Scheme area;
- (ii) set aside land reserved for public purposes;
- (iii) zone land within the Scheme area for the purposes defined in the Scheme;
- (iv) show land which may be suitable for development through expansion of various settlements within the Scheme Area, where special scrutiny of proposed land uses and development must occur having regard to the Scheme objectives;
- (v) control and guide land use and development;
- (vi) set out procedures for the assessment and determination of planning applications;
- (vii) make provision for the administration and enforcement of the Scheme; and
- (viii) address other matters set out in the First Schedule to the *Planning and Development Act 2005*.

1.6 Vision Statement and Objectives

1.6.1 The vision for the municipality is to support a thriving community, utilising and consolidating existing towns and services, while developing a diversified, locally-based economy which protects and enhances the rural and natural character and physical attributes of the local government district integrated with a sustainable and productive natural resource base.

1.6.2 The strategic objectives to support this vision are to—

- (i) protect areas of agricultural significance for sustainable production, protect these areas from inappropriate land use and practices, and conserve its non-urban character whilst accommodating other complementary rural activities;

- (ii) promote sustainable economic growth in rural areas by identifying and securing suitable land and water resources for existing and future requirements of agriculture, forestry and timber production;
- (iii) maintain, support and enhance rural infrastructure and settlements;
- (iv) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
- (v) provide for a range of rural lifestyle and small-scale economic opportunities in proximity to existing settlements and within these settlements where appropriate;
- (vi) ensure urban and rural-residential development are located and managed to—
 - (a) minimise impacts on rural lands including timber production areas;
 - (b) protect and enhance the rural landscape and environmental values;
 - (c) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
 - (d) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services;
- (vii) ensure that land use is managed in accordance with integrated catchment management and natural resource management principles;
- (viii) strategically manage the allocation of land resources, in a manner consistent with maintaining a high standard of quality of lifestyle expectations of the community, in order to provide for employment opportunities and be responsive to changing economic and social trends;
- (ix) promote appropriately located, designed, serviced and managed tourist development;
- (x) ensure the natural environment is protected and managed in a responsible and sustainable manner;
- (xi) ensure that heritage values are protected and managed in a responsible and sustainable manner; and
- (xii) develop and implement townsite strategies to accommodate an increased population which—
 - (a) is achieved in an orderly and co-ordinated manner commensurate with the availability or provision of infrastructure;
 - (b) minimises disruption to existing agricultural pursuits;
 - (c) reinforces the role of and opportunities for existing towns;
 - (d) recognises prime agricultural land, landscape and environmental values; and
 - (e) encourages creative planning and design opportunities and outcomes.

1.7 The Aims of the Scheme

The aims of the Scheme are through the zoning and reserving of land in appropriate locations to—

- (i) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
- (ii) promote and safeguard the health, safety, convenience and general welfare of the inhabitants of the district and to contribute to an improved quality of life for the people of the district;
- (iii) reinforce the Manjimup townsite's role as the regional centre for the Warren-Blackwood Region providing shopping, commercial, industrial, civic, educational, administrative and welfare services to the surrounding region;
- (iv) maintain and protect valuable areas of agricultural production;
- (v) provide opportunities for planned, contained and sustainable settlements;
- (vi) provide opportunities to improve the economic base of the Scheme Area through the mixing of compatible uses as recognised in the zoning and development tables;
- (vii) promote appropriately located and designed tourist development;
- (ix) encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources;
- (x) conserve existing local heritage;
- (xi) preserve and enhance the amenities of the district and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- (xii) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (xiii) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;
- (xiv) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken in a sustainable manner with biodiversity values at the fore-front of decision-making;
- (xv) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity and environmental and heritage values; and
- (xvi) improve the means of access into and around the district and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists.

1.8 Definitions

1.8.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (i) in the *Planning and Development Act 2005*; or
- (ii) if they are not defined in that Act—
 - (a) in the Dictionary of defined words and expressions in Schedule 1; or
 - (b) in the Residential Design Codes.

1.8.2 If there is a conflict between the meaning of a word or expressions in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

- (i) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (ii) in any other case the definition in the Dictionary prevails.

1.8.3 Notes and instructions printed in italics, are not part of the Scheme however they assist to explain Scheme provisions.

1.9 Relationship with Local Laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.10 Relationship with other Schemes

There are no other Schemes of the Shire of Manjimup, which apply to the Scheme area.

1.11 Relationship to other Statements of Planning Policy

The provisions of the Scheme shall be read in conjunction with any other relevant Statements of Planning Policy which shall apply to the Scheme except to the extent of any inconsistency with the Scheme in which case the Scheme shall prevail.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme should be consistent with the Local Planning Strategy. Where the local government makes a decision that is inconsistent with the Local Planning Strategy, it is required to provide reasons for its decision.

Notes: A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.

2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (i) generally or for a particular class or classes of matters; and
- (ii) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If the provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Notes: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for making or amending a Local Planning Policy

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government—

- (i) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (a) where the draft Policy may be inspected;
 - (b) the subject and nature of the draft Policy; and
 - (c) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made; and
- (ii) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to—

- (i) review the proposed Policy in the light of any submissions made; and
- (ii) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to—

- (i) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (ii) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A policy has effect on publication of a notice under clause 2.4.3 (i).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the local government's administration centre.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

2.5.1 A Local Planning Policy may be revoked by—

- (i) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (ii) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

2.6 Transitional provisions relating to Local Planning Policies.

Local Planning Policies prepared and adopted by the local government under the provisions of a revoked Scheme or Schemes and/or the *Local Government Act 1995* shall continue to have force and effect until such time as they are superseded or revoked or replaced by actions taken by the local government in accordance with the provisions of this Part.

2.7 Power to Make Planning Precinct Statements

2.7.1 The local government may, in addition to making policies in accordance with the provisions of Clause 2.1 to 2.5, make Planning Precinct Statements as Local Planning Policies.

2.7.2 In considering any application for development, rezoning or subdivision in areas within a Planning Precinct, the local government shall be guided by the various Planning Precinct Statements as outlined in Schedule 8.

2.7.3 Scheme Precincts are developed to provide clear direction on what the local government considers to be the preferred possible future use and development of an area, whilst accommodating the flexibility to promote innovation and allow for changing circumstances. However the designation of any area of land does not oblige the local government to support any application for rezoning consistent with such precinct use. In that regard the local government retains an absolute discretion not to initiate a Scheme Amendment.

PART 3—RESERVES

3.1 Reserves

Certain lands within the Scheme area are classified as Local Reserves.

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 Use and Development of Local Reserves

3.4.1 A person must not commence or carry out development on Local Reserve without first having obtained planning approval, under Part 10 of the Scheme.

3.4.2 In determining an application for planning approval, the local government is to have due regard to—

- (i) the matters set out in clause 10.2; and
- (ii) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land that is reserved for the purposes of a public authority, the local government will, subject to arrangements made under Clause 3.4.4 consult with that authority before determining an application for planning approval.

3.4.4 The local government may enter into arrangements with public authorities to determine those proposals that should, and those that need not form the subject of consultation for the purpose of clause 3.4.3.

3.4.5 For the purpose of clause 3.4.1, “a person” shall include the local government which may, in applying for planning approval for works and development on Reserves under its care, control and management, seek an independent assessment of its application by a suitably qualified person and, if such action is taken, shall have due regard to the advice received when making a determination of the application concerned.

3.5 Public Works

Public works proposals referred to in Section 6 of the *Planning and Development Act 2005*, should be considered in terms of—

- (i) the purposes of the Scheme;
- (ii) the Local Planning Strategy;
- (iii) any relevant Local Planning Policies;
- (iv) an endorsed Structure Plan;
- (v) the relevant classifications, under Parts 3 and 4 of the Scheme, for the land upon which the public work is to be developed;
- (vi) any relevant requirements affecting the character or amenity of an area under Part 5 of the Scheme; and
- (vii) any relevant Special Control Area objectives under Part 6 of the Scheme.

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

4.1.1 Land within the Scheme Area, not set aside as Reserves under Part 3 of the Scheme, is classified into zones and depicted on the Scheme Map as listed below—

- (i) Town Centre
- (ii) Residential
- (iii) Priority Agriculture
- (iv) General Agriculture
- (v) Rural—Residential
- (vi) Rural Smallholdings
- (vii) Rural Conservation
- (viii) Bushland Protection
- (ix) Industry
- (x) Tourist Enterprise
- (xi) Special Use
- (xii) Enterprise
- (xiii) Clubs and Institutions
- (xiv) Caravan Park
- (xv) Future Development

4.2 Town Centre Zone

4.2.1 Purpose

The purpose of the Town Centre zone is to provide for the establishment and ongoing development of nodes of diverse commercial, professional, tourist, entertainment, residential and community activities to service the populations of surrounding areas.

4.2.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Town Centre zone are to—

- (i) encourage the establishment of a diverse range of activities and the associated infrastructure/services required to fulfil the community, commercial and administrative functions of a town centre;
- (ii) ensure that town centre structure and open areas are of high quality, achieve a unified theme (where this has been agreed) and promote the retention of features which enhance the appearance of the central area or provide a sense of identity;
- (iii) encourage residential accommodation within the town centre area compatible with commercial uses;
- (iv) provide for a consolidated, accessible, safe and vibrant town centre with a mix of compatible uses;
- (v) protect, maintain and enhance where possible the visual and heritage elements of the town;
- (vi) maintain opportunities for residential, grouped residential, tourist accommodation, offices and where appropriate service commercial and service industry suitable in a country town and compatible with the commercial and community functions of the town;
- (vii) provide for a flexible response to new and innovative ideas;
- (viii) encourage the ease of pedestrian movement and sharing of infrastructure while achieving safety and efficiency in traffic circulation; and
- (ix) ensure that development conforms to any Local Planning Policy or Planning Precinct adopted by the local government.

4.3 Residential Zone

4.3.1 Purpose

The purpose of the Residential zone is to provide for the adequate provision of suitably located land to provide for varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas.

4.3.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Residential zone are to—

- (i) provide for a range of housing choice with high level of amenity in residential areas and which reflects a non-metropolitan lifestyle;
- (ii) provide for the adequate supply of suitably located land to meet the ongoing residential needs of the community consistent with the Residential Design Codes;
- (iii) allow aged or dependent persons' dwellings and grouped dwellings if proper servicing is present and the amenity of the locality will not be eroded;
- (iv) limit non-residential activities to those which create self-employment or creative activities, provided such activities have no detrimental effect on residential amenity;
- (v) promote and safeguard the health, safety, convenience, general welfare and the amenity of residents and the residential area;
- (vi) ensure development and use are appropriately serviced; and
- (vii) ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other servicing and environmental factors.

4.4 Priority Agriculture Zone

4.4.1 Purpose

The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources.

To provide for intensive agricultural and horticultural production; including market gardens, orchards and vineyard enterprises.

4.4.2 Objectives

The local government's objectives in managing and guiding land use development and subdivision within the Priority Agriculture zone will be to—

- (i) require the protection of the rural infrastructure and land resource;
- (ii) require planning to avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals;
- (iii) to permit low impact tourist accommodation—short stay proposals where relevant provided that any impact from any such land uses or development is contained on-site;
- (iv) support the improvement of resource and investment security for agricultural and allied industry production;
- (v) require protection and enhancement of bio-diversity of these areas;
- (vi) encourage value-adding opportunities to agricultural products at source;
- (vii) support a wide variety of productive agricultural and rural activities; and
- (viii) support subdivision; where it provides for boundary adjustments, realignments, farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision.

4.5 General Agriculture Zone

4.5.1 Purpose

The purpose of the General Agriculture zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

4.5.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the General Agriculture zone will be to—

- (i) encourage the protection of the rural infrastructure and land resource;
- (ii) encourage the use of rural land for commercial agricultural production including grazing, cropping, agro-forestry, tree plantations and intensive agricultural products;
- (iii) to permit low impact tourist accommodation—short stay proposals where relevant provided that any impact from any such land uses or development is contained on-site;
- (iv) recommend support for subdivision where it provides for boundary adjustments, realignments and farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision; and

- (v) support appropriate non-rural uses where they are compatible with adjoining and nearby rural uses, environmental attributes and landscape to complement the primary productive use of the land where a site contains remnant vegetation and other environmental features or lacks realistic potential for agricultural use the local government will consider the proposed non-rural uses as the predominant use on its merits.

4.6 Rural Residential Zone

4.6.1 Purpose

The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

4.6.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Rural Residential zone will therefore be to—

- (i) encourage a variety of lot sizes and appropriate designs which accommodate environmental opportunities and constraints and landscape protection requirements;
- (ii) encourage the introduction of clearing and land management controls and restrictions, and environmental repair where appropriate;
- (iii) provide the opportunity for subdivision where identified in an endorsed Local Planning Strategy, in order to provide for the more efficient use of existing rural-residential areas in close proximity to existing townsites (where essential services are available and where the existing agricultural, landscape and conservation values of the locality will not be compromised);
- (iv) facilitate the conservation of native vegetation, water courses and water bodies and other environmental features and, where appropriate, to provide for environmental repair;
- (v) encourage opportunities for innovative design and clustering of houses and other structures to minimise the impact on adjacent land uses, protect landscape and remnant vegetation and to utilise the more efficient use of services.

4.7 Rural Smallholdings Zone

4.7.1 Purpose

The purpose of the Rural Smallholdings zone is to provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

4.7.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Rural Smallholding zone are to—

- (i) encourage the opportunity for a range of rural and semi-rural pursuits on cleared land where part-time or full time income may be generated;
- (ii) allow the opportunity for subdivision where identified in an endorsed Local Planning Strategy where the existing land use, landscape and conservation values will not be compromised;
- (iii) to encourage rural smallholdings with a variety of lot sizes consistent with the physical, environmental and landscape characteristics of the land which are capable of, and suitable for sustaining appropriate development in the opinion of local government including the proponent suitably addressing environmental, natural resource management, servicing, fire management and visual impact;
- (iv) to facilitate the conservation of native vegetation; and
- (v) in appropriate circumstances, make use of innovative design and clustering of houses and other structures to minimise the impacts on adjacent land (including agriculture) and provide for on-going use of land for rural pursuits, whilst protecting landscape and environmental values and utilising services efficiently.

4.8 Rural Conservation Zone

4.8.1 Purpose

4.8.1.1 The purpose of the Rural Conservation zone is to provide a land use option for rural lots which are isolated from other rural holdings and/or environmentally sensitive locations requiring special planning and management considerations.

4.8.1.2 The agricultural use of the land may continue or be permitted when developed in accordance with sound management and land capability practices.

4.8.1.3 The local government will encourage an innovative response to proposals to use the land for low-key environmentally sustainable tourist and recreational land uses. Unless appropriately justified, rural living proposals are not favoured due to the isolated location of the lots included within the zone.

4.8.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Rural Conservation zone will therefore be to—

- (i) protect and enhance the conservation and landscape values of areas identified as requiring special protection where it is required to conserve and permanently maintain—
 - (a) remnant vegetation and indigenous flora and fauna;
 - (b) soil quality;
 - (c) water quality; and
 - (d) areas of historic, archaeological and scientific interest;
- (ii) encourage a high standard of servicing insofar as that is possible in remote locations;
- (iii) manage development and land use change so that the visual and environmental qualities of areas are maintained and enhanced;
- (iv) encourage suitable development through the control of the location, form, character and density of any development and associated services—to minimise visual and environmental impacts and to complement the natural environment; and
- (v) encourage, in appropriate circumstances, the use of innovative design and clustering of houses and other structures to achieve the above.

4.9 Bushland Protection Zone

4.9.1 Purpose

The purpose of the Bushland Protection zone is to encourage the protection of bushland, on privately owned properties in rural localities, which have high conservation, landscape and biodiversity values in perpetuity. This is to be achieved by supporting land uses and development which are compatible with conserving these values, and by providing a subdivision incentive through the creation of conservation lots in exchange for the protection of these values.

4.9.2 Objective

The local government's objectives in managing and guiding land use, development and subdivision within the Bushland Protection zone will be to—

- (i) protect areas, and limit the clearing of, bushland on privately owned 'rural' land so that the local government's biodiversity, environmental, conservation and landscape values are maintained and enhanced;
- (ii) give the preservation of bushland an economic value by providing a limited subdivision incentive, by the creation of conservation lots, in exchange for protecting bushland; and
- (iii) encourage land owners to include areas of significant remnant vegetation within the Bushland Protection zone and have these areas protected in perpetuity via the provisions of the zone, a conservation covenant and an endorsed Structure Plan.

4.10 Industry Zone

4.10.1 Purpose

The purpose of the Industry zone is to provide for a range of light and general industrial, service and ancillary activities where appropriate services are or can be made available and where the amenity of adjacent neighbourhoods will not be adversely affected.

4.10.2 Objectives

The local government's objectives in controlling development and influencing subdivision within the Industry zone will be to—

- (i) encourage the consolidation of industrial development into areas which have been appropriately located for that purpose;
- (ii) provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities;
- (iii) improve the amenity and visual appearance of industrial areas through appropriate landscaping and the design of buildings where facing the street;
- (iv) protect the amenity of zones abutting the Industry zone;
- (v) provide only one "Industry" zone, which specifically promotes the development of industrial activities which primarily reflects the existing industrial estates and identified potential new or expansion areas within the local government area; and
- (vi) provide for manufacturing, the storage and distribution of goods and associated uses, which by the nature of their operations should be separate from residential areas.

4.11 Tourist Enterprise Zone

4.11.1 Purpose

The purpose of the Tourist Enterprise zone is to encourage the development of a wide range of tourist and recreation facilities and quality tourist accommodation and activities for visitors at appropriate locations within the rural areas and townsites of the local government area.

4.11.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Tourist Enterprise zone will be to—

- (i) encourage the development of the zone as one of the focal points for tourist/visitor related activities within the identified area or town while not compromising the visual and landscape qualities of the area;
- (ii) make provision for a variety of tourist related land use activities, including chalets, guesthouses, motels, lodges, caravan parks, camping areas and bed and breakfast accommodation and associated cottage industries in locations in close proximity to services and areas of tourism interest;
- (iii) encourage development which recognises the historic architectural style and scale of development present within the townsites and/or area including not causing unreasonable visual impact in visually prominent areas;
- (iv) encourage a range of recreational activities and accommodation styles within the Tourist Enterprise zone in a form, style and density which is compatible with surrounding land uses and can be adequately serviced and complements the natural and built features of the locality;
- (v) have regard to the Local Planning Strategy, the local government's Policy on Strata Titling of Holiday Accommodation and Tourist Development and other relevant policies when considering applications for development of self-contained tourist accommodation and/or strata titled accommodation within the Tourist Enterprise zone; and
- (vi) seek to ensure development impacts are contained within the application site.

4.12 Special Use Zone

4.12.1 Purpose

The purpose of the Special Use zone is to provide for those developments, which, because of their special nature or complexity, cannot be appropriately located in other Scheme zones and which may consist of multiple uses. Special uses of these types may require preparation of an endorsed Structure Plan for adoption by the local government and will only be supported where it is in accordance with an adopted Structure Plan.

4.12.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Special Use zone will be to—

- (i) provide for development of uses and multiple use areas which, for reasons of their special nature or complexity, cannot be appropriately included in other Scheme zones;
- (ii) seek to ensure development impacts are contained on-site; and
- (iii) seek appropriate provision of infrastructure and services.

4.13 Enterprise Zone

4.13.1 Purpose

The purpose of the Enterprise zone is to promote employment and lifestyle choice and opportunities by the facilitation of a range of industrial, semi-industrial, arts and crafts, tourist oriented activities and other initiatives compatible with existing residential use utilising existing buildings and infrastructure of specific existing and former timber towns and sawmilling centres as the changes to the timber industry lead to closures or downgrading of traditional timber milling.

4.13.2 Objectives

The local government's objectives in managing and guiding land use development and subdivision within the Enterprise zone will be to—

- (i) encourage a flexible approach to any application for approval where, in the opinion of the local government, such development would not adversely affect the existing industrial or other activities or the residential and community amenity or environment of the locality subject to the proposal;
- (ii) support the establishment of industry, tourist or other commercial enterprises where the nature of the operation is compatible with residential living where this exists and where it will result in acceptable impacts with minimal affect on adjoining properties;
- (iii) encourage innovation and enterprise and seek to work closely with the proponent and affected members of the community to overcome any adverse impacts so that the proposal can be made acceptable; and
- (iv) determine site and development controls on the merits of each application.

4.14 Clubs and Institutions Zone

4.14.1 Purpose

The purpose of this zone is to provide for the development or establishment of uses to satisfy the general cultural, religious, education, health, recreational and other needs of the community.

4.14.2 Objective

The local government's objective in managing and guiding land use, development and subdivision within the Clubs and Institutions zone will be to provide for the establishment and ongoing use of a diverse range of activities which are either private or publicly owned, and the associated infrastructure to fulfil community requirements.

4.15 Caravan Park Zone

4.15.1 Purpose

The purpose of this zone is to provide for the development of caravan and camping grounds for the use of short-stay accommodation and where appropriate to provide opportunities for long-term accommodation by permanent residents.

4.15.2 Objectives

The local government's objectives in managing and guiding land use and development within the Caravan Park zone will be to—

- (i) provide short-term accommodation for tourists in locations which complement existing tourist and recreation facilities;
- (ii) provide limited opportunities within caravan parks for small areas of long-term permanent residential accommodation within caravan parks, but only where these caravan parks have access to services normally available to conventional residential development and are located within or adjacent to existing settlements; and
- (iii) encourage development of caravan parks in a manner that is compatible with existing land uses, and which does not have a detrimental impact on the environment or the amenity of the locality.

4.16 Future Development Zone

4.16.1 Purpose

The purpose of the Future Development zone is to provide for additional sustainable development with and around existing urban settlements.

4.16.2 Objectives

The objectives of the Future Development zone will be to—

- (i) identify and zone land suitable for urban purposes and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned urban purposes;
- (ii) provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services;
- (iii) provide for urban development that is consistent with “liveable neighbourhoods” urban design principles; and
- (iv) require, as a prerequisite to subdivision and development for urban purposes, the preparation and adoption by the local government and the Western Australian Planning Commission of a Structure Plan in accordance with the provisions of Part 6 of the Scheme.

4.17 Additional Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 9 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 9 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.18 Restricted Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 18 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 18 with respect to that land.

4.19 Zoning Table

4.19.1 Subject to Clause 8.4 of the Scheme, the Zoning Table indicates, subject to the provisions of the Scheme, uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.19.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- “A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6; and
- “X” means a use that is not permitted by the Scheme.

4.19.3 A change in the use of land from one use to another is permitted if;

- (i) the local government has exercised its discretion by granting planning approval;
- (ii) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (iii) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (iv) the change is to an incidental use that does not change the predominant use of the land and is a permitted use within the zone.

- Note:*
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the use and development of land.
 2. The local government will not refuse a “P” use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 3. In considering a “D” or “A” use, the local government will have regard to the matters set out in Clause 10.2.
 4. The local government must refuse to approve any “X” use of land. Approval to an “X” use of land may only proceed by way of an amendment to the Scheme.
 5. The provisions of the Scheme apply in addition to the requirements of other relevant legislation, under which separate approval may be required.
 6. Should the local government grant a temporary planning approval for an “A” use, which is linked to effective management and the applicant meeting conditions, the local government can renew the approval without re-advertising should it deem appropriate.

4.20 Interpretation of the Zoning Table

4.20.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.20.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may—

- (i) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (ii) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.6 in considering an application for planning approval; or
- (iii) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Table 1: Zoning Table

LANDUSE	Town Centre	Residential	Priority Agriculture	General Agriculture	Rural-Residential	Rural Smallholdings	Rural Conservation	Bushland Protection	Industry	Tourist Enterprises	Special Use				
											Enterprise	Clubs and Institutions	Caravan Park	Future Development	
abattoir	X	X	A	A	X	X	X	X	A	X	X	X	X	X	
agriculture—extensive	X	X	P	P	X	D	D	D	X	X	P	D	X	D	
agriculture—intensive	X	X	P	P	X	D	A	D	X	X	D	X	X	X	
agroforestry	X	X	A	P	X	X	D	X	X	X	A	X	X	D	
amusement parlour	D	X	X	X	X	X	X	X	A	X	X	X	X	X	
animal establishment	X	X	A	A	X	A	X	X	A	X	X	X	X	X	
animal husbandry—intensive	X	X	D	D	X	A	A	X	X	X	X	X	X	X	
aquaculture	X	X	D	D	A	A	A	X	A	X	A	X	X	A	
art and craft gallery	P	X	A	A	X	A	A	X	X	P	A	A	X	A	
betting agency	P	X	X	X	X	X	X	X	X	X	X	X	X	X	
brewery	A	X	A	D	X	A	A	X	A	D	A	X	X	X	
caravan or trailer yard	D	X	X	X	X	X	X	X	D	X	X	X	P	X	
car park	P	X	X	X	X	X	X	X	P	P	X	X	X	X	
childcare premises	A	A	X	X	X	X	X	X	X	A	X	A	X	X	
cinema/theatre	P	X	X	X	X	X	X	X	X	A	A	X	X	X	
civic use	P	A	D	D	D	D	D	X	D	D	D	D	X	D	
club premises	P	X	X	A	X	X	X	X	A	X	A	P	X	X	
community purpose	P	A	X	A	A	X	X	X	A	X	A	D	X	A	
consulting rooms	P	A	X	A	X	X	X	X	X	X	X	X	X	X	
convenience store	P	X	X	X	X	X	X	X	A	A	A	X	X	X	
corrective institution	X	X	X	A	X	X	X	X	A	X	X	X	X	X	

As specified in Schedule 6

LANDUSE	Town Centre	Residential	Priority Agriculture	General Agriculture	Rural-Residential	Rural Smallholdings	Rural Conservation	Bushland Protection	Industry	Tourist Enterprises	Special Use	Enterprise	Clubs and Institutions	Caravan Park	Future Development
dwellings:															
—aged or dependent persons dwelling	D	D	X	X	X	X	X	X	X	X		D	X	X	D
—ancillary accommodation	D	D	D	D	D	D	D	X	X	X		D	D	X	D
—caretaker's dwelling	D	X	D	D	X	A	D	X	D	D		D	D	X	D
—dwelling	D	P	D	P	P	P	P	P	X	X		D	D	X	D
—grouped dwelling	D	D	X	X	X	X	X	X	X	X		X	X	X	P
—multiple dwelling	D	D	X	X	X	X	X	X	X	X		X	X	X	P
—residential building	D	D	X	X	X	X	A	X	X	X		D	X	X	
—rural workers' accommodation	X	X	A	A	X	X	X	X	X	X		X	X	X	X
educational establishment	D	X	X	A	X	X	X	X	X	X		A	D	X	A
exhibition centre	D	X	A	A	A	A	X	X	X	A		A	X	X	X
family day care	D	A	A	A	A	A	A	A	X	X		A	A	X	A
fast food outlet	D	X	X	X	X	X	X	X	X	A		X	X	X	X
fuel depot	A	X	X	X	X	X	X	X	P	X		X	X	X	X
funeral parlour	A	X	X	X	X	X	X	X	P	X		X	X	X	X
garden centre	D	X	A	A	A	X	X	X	D	X		A	X	X	A
holiday accommodation - bed & breakfast	P	A	X	A	A	A	A	A	X	P		A	A	D	A
—cabin	D	X	X	A	X	A	A	X	X	P		X	X	D	X
—camping area	D	X	X	A	X	X	A	X	X	P		X	A	P	X
—caravan park	D	X	X	A	X	X	A	X	X	P		X	A	P	X
—chalet	D	X	X	A	X	A	A	X	X	P		X	X	D	X
—eco-tourist facility	D	X	X	A	X	A	A	X	X	D		X	X	D	X
—guesthouse	D	X	X	A	X	A	A	X	X	P		X	A	X	X
—holiday house	P	A	X	A	A	A	A	X	X	P		A	A	X	A
—hotel	D	X	X	X	X	X	X	X	X	A		X	X	X	X
—motel	D	X	X	A	X	X	X	X	X	D		X	X	X	X
—low impact tourist accommodation short-stay	D	X	A	A	X	A	A	X	X	D		X	X	A	X
—tourist resort	A	X	X	X	X	X	X	X	X	A		X	X	X	X
—serviced apartment	D	X	X	A	X	X	X	X	X	D		X	X	X	X
home business	D	A	A	A	A	A	A	A	X	X		A	A	X	A
home occupation	P	P	P	P	P	P	P	P	X	X		A	A	X	P
home office	P	P	P	P	P	P	P	P	X	X		P	P	X	P
home store	P	X	X	X	X	X	X	X	X	X		A	X	X	X
hospital	D	X	X	X	X	X	X	X	X	X		X	A	X	X
industry—cottage	D	A	P	P	A	D	A	A	P	D		A	A	X	A
industry—extractive	X	X	A	A	X	A	X	X	A	X		X	X	X	A
industry—general	X	X	X	X	X	X	X	X	P	X		A	X	X	X
industry—light	D	X	X	X	X	X	X	X	P	X		A	X	X	X
Industry—noxious	X	X	A	A	X	X	X	X	X	X		X	X	X	X
industry—rural	X	X	A	A	X	A	A	X	P	X		A	X	X	X
industry—service	D	X	X	X	X	X	X	X	P	X		A	X	X	X

As specified in Schedule 6

LANDUSE	Town Centre	Residential	Priority Agriculture	General Agriculture	Rural-Residential	Rural Smallholdings	Rural Conservation	Bushland Protection	Industry	Tourist Enterprises	Special Use	Enterprise	Clubs and Institutions	Caravan Park	Future Development
lodging house	D	D	X	X	X	X	A	A	X	D	A	A	X	X	
lunch bar	P	X	X	X	X	X	X	X	P	X	A	X	X	X	
market	P	X	X	X	X	X	X	X	P	X	A	A	X	X	
medical centre	P	X	X	X	X	X	X	X	X	X	X	A	X	X	
motor vehicle, boat or caravan sales	A	X	X	X	X	X	X	X	P	X	X	X	X	X	
motor vehicle repair	A	X	X	X	X	X	X	X	P	X	A	X	X	X	
motor vehicle wash	A	X	X	X	X	X	X	X	P	X	X	X	X	X	
nightclub	A	X	X	X	X	X	X	X	A	X	X	X	X	X	
office	P	X	X	X	X	X	X	X	A	X	X	X	X	X	
park home park	A	X	X	X	X	X	X	X	X	A	X	X	A	X	
piggery	X	X	D	D	X	X	X	X	X	X	X	X	X	X	
place of worship	P	A	X	X	X	X	X	X	X	X	A	A	X	X	
plantation	X	X	A	A	X	A	A	X	X	X	A	X	X	X	
plant nursery	D	X	D	D	X	D	A	A	X	X	D	X	X	X	
poultry farming	X	X	A	A	X	X	X	X	X	X	X	X	X	X	
produce store	P	X	A	A	X	X	X	X	P	X	D	X	X	X	
public assembly—place of	P	X	X	X	X	X	X	X	X	X	A	D	X	X	
reception centre	D	X	X	A	X	X	X	X	X	D	X	A	X	X	
recreation—private	D	X	X	A	X	A	A	X	A	P	A	A	A	A	
recreation public	P	D	D	D	D	D	D	X	D	P	D	D	X	D	
restaurant	P	X	A	A	A	X	X	X	X	A	X	A	A	X	
restricted premises	A	X	X	X	X	X	X	X	A	X	X	X	X	X	
roadhouse	A	X	X	X	X	X	X	X	A	A	X	X	X	X	
rural home business	X	X	D	D	X	A	A	A	X	X	X	X	X	X	
rural pursuit	X	X	P	P	D	P	A	X	X	X	P	D	X	D	
sawmill	X	X	A	A	X	A	X	X	A	X	A	X	X	X	
service station	D	X	X	X	X	X	X	X	P	X	A	X	D	X	
shop	P1	X	X	X	X	X	X	X	A	A	X	X	A	X	
showroom	D	X	X	X	X	X	X	X	P	X	A	X	X	X	
small bar	D	X	X	X	X	X	X	X	X	A	X	X	X	X	
storage	D	X	X	X	X	X	X	X	P	X	D	X	X	X	
tavern	D	X	X	X	X	X	X	X	X	A	X	X	X	X	
tearoom	P	X	A	A	X	A	A	A	X	P	A	A	A	A	
telecommunications infrastructure	D	D	D	D	D	D	D	X	D	D	D	D	X	D	
trade display	D	X	D	D	X	X	X	X	P	X	D	X	X	X	
truck/bus depot	D	X	X	D	X	A	A	X	P	X	A	X	X	X	
veterinary centre	D	X	X	A	X	X	X	X	D	X	A	X	X	X	
warehouse	D	X	X	X	X	X	X	X	P	X	D	X	X	X	
wayside stall	X	X	D	D	A	D	X	X	X	X	D	X	X	X	
wind farm	X	X	A	A	X	X	X	X	X	X	X	X	X	X	
wind powered generator	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
winery	A	X	A	D	X	A	A	X	A	D	A	X	X	X	

As specified in Schedule 6

(1 Within Sub-Precinct MP 1D (shown on the Scheme map (sheet 12)) the symbol “P” shall not apply and shall be read as the symbol “A”)

4.21 Non-conforming Uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (i) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (ii) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (iii) subject to Clause 11.2.1, the continued display of advertisements, which were lawfully erected, placed or displayed prior to the Gazettal date.

Notes: "Land" has the same meaning as in the Planning and Development Act 2005, and includes houses, buildings and other works and structures.

4.22 Extensions and Changes to a Non-conforming Use

4.22.1 A person must not—

- (i) alter or extend a non-conforming use;
- (ii) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (iii) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.22.1 An application for planning approval under this clause is to be advertised in accordance with clause 9.6.

4.22.2 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, or to extend a non-conforming use, the local government is not to grant it planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

Notes: The onus of proof is on the applicant demonstrating how the proposal is less detrimental.

4.23 Discontinuance of Non-conforming Use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise in conformity with the provisions of the Scheme.

4.24 Termination of a Non-conforming Use

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Notes: Section 190 and 191 of the Planning and Development Act 2005 enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the Land Administration Act 1997 those sections and the Scheme.

4.25 Destruction of Non-conforming Use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value in the opinion of the local government, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Requirements

Any development of the land is to comply with the provisions of the Scheme.

5.2 Residential Design Codes

5.2.1 For the purposes of this Scheme, the Residential Design Codes are those adopted by the Government and published in the *Government Gazette* as a State Planning Policy under Section 26 of the *Planning and Development Act 2005* (as amended).

5.2.2 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.3 Unless otherwise provided for in Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.4 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

5.3 Special Application of Residential Design Codes

5.3.1 An R30 Residential Design Code shall apply to residential development within the Town Centre zone where the property intended to accommodate the proposed development—

- (i) has no Residential Density Code indicated on the Scheme Map or density specified in the Scheme text; and
- (ii) the development can be connected to the reticulated sewerage system.

Where no reticulated sewerage system is available to service the proposed development an R10 Residential Design Code shall apply.

5.3.2 Where a dual Residential Design Code is indicated on the Scheme Map, the higher density code will only be considered where the development can be connected to reticulated sewerage.

5.3.3 The local government may refuse planning approval for any residential development where in its opinion; provision cannot be made for the adequate disposal of liquid waste from that development.

5.3.4 Notwithstanding any other provisions of this Scheme, the local government may approve an application for a single dwelling on a residential zoned lot which existed at the date of the Gazettal of the Scheme but which does not meet the minimum area and effective frontage requirements of the Residential Design Codes for the particular R Code specified, provided the development meets the other requirements of the provisions of the Residential Design Codes for the specified Code.

5.4 Restrictive Covenants

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an "A" use and has complied with all of the advertising requirements of clause 9.6.

5.5 Variations to Site and Development Standards and Requirements

5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—

- (i) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.6; and
- (ii) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that—

- (i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (ii) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 Environmental Conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are subject, are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol "EC" to indicate that environmental conditions apply to the land.

5.6.3 The local government is to—

- (i) maintain a register of all relevant statements published under Sections 48F and 48G of the *Environmental Protection Act 1986*; and
- (ii) make statements available for public inspection at the offices of the local government.

5.6.4 There are no environmental conditions imposed by the Minister for Environment which apply to the scheme.

Notes: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986 and may apply to any zone within the Scheme.

5.6.5 Tree Planting/Tree Preservation/Vegetation Corridors/Greenbelt

5.6.5.1 In order to improve the environmental amenity of areas that the local government considers deficient in tree cover, the local government may require as a condition of any planning approval, the planting of such trees and/or groups of trees and species as specified by the local government.

5.6.5.2 On the advice of Landcare Groups, the Department of Agriculture and Food, the Forest Products Commission or the Department of Environment and Conservation, the local government may also require tree planting and/or drainage measures in designated areas.

5.6.5.3 The local government may by notice served upon individual landowners or upon a subdivider of land require the preservation of a tree or group of trees. No landowner shall cut, remove or otherwise destroy any tree subject to a tree preservation notice unless approved by the local government.

5.7 Clearing Land

5.7.1 Notwithstanding the Zoning Table, and unless otherwise specifically stated in this Scheme, clearing land within areas zoned Tourist Enterprise, Rural Residential, Rural Conservation and Rural Smallholdings shall not be undertaken without the prior planning approval of the local government. However there is a general presumption against approving the clearing of land within these zones, as the primary objective will be to retain vegetation for its conservation and landscape values. In considering any such application, the local government will take into account proposals, including arrangements for entering into covenants with the local government, for the retention and protection of other remnant vegetation.

5.7.2 Where the clearing of land is necessary to develop land for the purposes proposed by the Scheme in zones other than those referred to in Clause 5.7.1, but not including Priority Agriculture or General Agriculture zones, the local government will, when presented with an application to clear the land or an application to develop the land pursuant to the Scheme, have regard to the extent of clearing to be undertaken and the quality and type of vegetation to be removed and may impose conditions or make arrangements with the proponent to retain some of the vegetation on the land.

Notes: Landowners proposing to clear any area of remnant vegetation greater than 1ha in area in any zone must also comply with Department of Environment Clearing Regulations, *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

5.7.3 “Clearing land”, for the purposes of Clause 5.7, means any one or more of the following—

- (i) cutting down, felling, thinning, logging or removing vegetation;
- (ii) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation; or
- (iii) severing branches, limbs, stems or trunks of vegetation;

but, subject to the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, does not include—

- (iv) any clearing, including the provisions of firebreaks, that is authorised under the *Bush Fires Act 1954* (as amended);

(Notwithstanding the provisions of the *Bush Fires Act 1954*, the term “firebreak” for the purpose of the foregoing clause, means an area no wider than 10m where the land is to be totally cleared or 30m where the area is to be parkland cleared with ground fuel sources removed or where the local government has granted approval for a wider firebreak or as specified in an approved Fire Management Plan. More extensive firebreak clearing is not exempt from the need to obtain planning approval under the Scheme.)

- (v) the removal of any vegetation that is—
 - dead, diseased or dangerous;
 - required to give effect to a valid building licence or Shire approved works including the provision of an access from the road to the approved development; and
 - within the defined/approved building envelope for the land.
- (vi) any clearing that is carried out in accordance with an valid subdivision approval;
- (vii) any clearing of non-indigenous vegetation;
- (viii) the cutting of no more than 10 trees per hectare in any period of one year for on-farm uses, including fence posts and firewood;
- (ix) the lopping of native vegetation for stock fodder in any period of declared drought if the continued health of the vegetation is not affected;
- (x) minimal clearing of native vegetation if it necessary for the construction, operation and maintenance of farm structures (for instance farm dams, tracks, bores, windmills, fences, fence lines, stockyards, loading ramps, sheds and the like);
- (xi) any clearing carried out in accordance with a local government approved Fire Management Plan;
- (xii) the clearing of indigenous vegetation planted for forestry, agriculture, wood lots, gardens and horticultural purposes;
- (xiii) any clearing of vegetation for the control of noxious weeds authorised under the relevant Agriculture Act;
- (xiv) any minimal clearing of native vegetation to the minimal extent necessary for vermin control under the relevant Health Act and/or where approved by the Department of Environment and Conservation;
- (xv) the vegetation is commercial in nature such as a plantation, orchard or vineyard; and
- (xvi) the vegetation is not listed in the Municipal Heritage Inventory, a Local Planning Policy or Precinct or does not form the subject of a Tree Preservation Order under the relevant provisions of the Scheme.

5.7.4 Where native vegetation is cleared pursuant to implementation of an approved development or land use, it is a requirement of the Scheme that, unless otherwise approved, an equivalent area of land be revegetated with native vegetation indigenous to the locality on the land the subject of the application or on public land managed by the local government or with the consent of the land owner(s) on other land in their ownership to ensure that there is no net loss of native vegetation to the local government.

5.8 Preservation of Trees in Urban Zones

5.8.1 The purpose of clause 5.8 is to preserve and/or enhance landscape amenity from the negative effects of clearing.

5.8.2 Where it appears to the local government that it is expedient for the purpose of securing or of preserving existing amenity, the local government may make an order (hereinafter referred to as a "Tree Preservation Order") relating to specific trees or groups of trees, and may, by like resolution, rescind or vary any such order. The Order shall have effect from the date and time of the resolution.

5.8.3 A Tree Preservation Order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the local government and any such consent may be given subject to reasonable conditions.

5.8.4 On the local government resolving to initiate a Tree Preservation Order, the local government shall, as soon as practicable, after the resolution serve notice on all affected landowners and any other relevant parties, giving full details and particulars of the Tree Preservation Order and inviting comment on the Order within the period (not less than 21 days) specified in the notice.

5.8.5 Within a period not exceeding 60 days, the justification for a Tree Preservation Order shall be reconsidered by the local government in the light of any submissions received for a decision to maintain or revoke the Tree Preservation Order. A decision to revoke an Order shall have immediate effect. On the finalisation of a Tree Preservation Order, the local government shall cause notice of the making of the Order to be published in a newspaper circulating in the area of the affected land.

5.8.6 A person who contravenes or causes or permits a contravention of a Tree Preservation Order is guilty of an offence under clause 11.4 of the Scheme and section 218 of the *Planning and Development Act 2005*.

5.8.7 It is a sufficient defence to proceedings under Clause 5.8.6 to demonstrate that the action was required—

- (i) to remove an immediate threat to life or property;
- (ii) to comply with the relevant Act for fire management, or where the tree is considered likely to cause damage to buildings or services; or
- (iii) where written notice about the proposed action was given to the local government and a period of not less than 14 days occurred after the notice was given (before the action was taken) and the local government did not advise the person during that period that it opposed the action being taken.

5.8.8 The term "notice" in Subclause 5.8.7(iii) means a notice that includes the name and address of the person who gives notice and explains that a tree of a named species situated in a specified position on land described in the notice and the subject of a Tree Preservation Order, or part thereof, is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for a particular purpose.

5.8.9 Where local government serves a notice under Clause 5.8.4, or attaches conditions that the landowner considers unreasonable to any approval to remove, lop or top any tree to which a Tree Preservation Order relates, the landowner shall have a right to seek review under Clause 10.11 of the Scheme.

5.8.10 The powers conferred on the local government in pursuance of this Clause shall not apply to trees in a State forest or on land reserved as a timber reserve or to trees required to be lopped in accordance with the requirements of the government agencies acting in accordance with their legislation or adopted plan.

5.9 Natural Resource Management

Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, the local government shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Drainage Plan and/or Soil Conservation Plan which relates to land within the Scheme area.

5.10 Protection of Water Source

5.10.1 Public Drinking Water Source Reserves

Public Drinking Water Source Reserves are located close to existing townsites and area covered by Water Source Protection Plans prepared by the Department of Water (DoW). Guidelines are available from DoW which establishes whether a proposed use is compatible, incompatible or could be approved with conditions to protect water quality and supply.

In considering any development within a Public Drinking Water Source Area (PDWSA), the local government will have due regard for the potential impact on water supplies and the compatibility of the proposed use. Any development considered by the local government to be in conflict with the DoW guidelines must be referred to DoW for comment to ensure water quality protection of the public drinking water reserves.

There will be a general presumption against development or use which involves significant risk to the resource. The onus is on the applicant to demonstrate the proposal will not prejudice the protection of water quality and supply.

5.10.2 Groundwater Areas

Where groundwater protection areas have been established by the Department of Water, landowners and developers are required to obtain a licence prior to the construction of a bore or well on any property for groundwater extraction except for stock or domestic purposes.

5.11 Waterway Resource Management and Protection

5.11.1 The local government will encourage water conservation and water sensitive design as features of all development and will require the applicant to satisfactorily demonstrate that appropriate measures are in place to manage impacts, where deemed relevant by the local government. Development proposals that may have potential to impact on the State's water resources may be referred to DoW or other relevant agency for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post-development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.

5.11.2 In considering any development which may have an impact on any waterway including rivers, estuaries, creeks, streams, drainage lines, lakes soaks, swamps and other wetlands, the local government shall have regard to—

- (i) managing water balance;
- (ii) maintaining and where possible enhancing water quality;
- (iii) encouraging water conservation;
- (iv) maintaining and where possible enhancing water related environmental values; and
- (v) maintaining and where possible enhancing recreational and cultural values.

5.11.3 The local government may require proponents to prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government.

5.12 Amenity Provisions

5.12.1 Height and Appearance of Buildings

- (i) With the exceptions of buildings the subject of a Planning Approval granted by the local government pursuant to the provisions of Sub-Clause 5.12.1 (iii) and structures and equipment necessary for radio, television and communications facilities, no building in excess of two storeys and/or a height of 9m above natural ground level shall be erected within the Scheme Area.
- (ii) The provisions of Clause 5.12.1(i) do not relate to any forms of development—
 - (a) to which the R Codes apply; or
 - (b) within the Industry, Priority Agriculture, General Agriculture and Rural Small Holdings Zones.
- (iii) Notwithstanding the provisions of 5.12.1, the local government may, after following the procedures set out in Clause 9.6, grant Planning Approval for buildings which exceed the heights specified after considering—
 - (a) the information provided pursuant to sub-Clause 5.12.1 (iv)
 - (b) any submissions made by persons owning or having an interest in land affected directly or indirectly by the proposal. The local government shall have satisfied itself that the proposed building or structure—
 - will be in harmony with the general, character of buildings in the locality;
 - will not be detrimental to the amenity or, character of the locality or the quality of environment or the townscape;
 - will observe the required setbacks from the boundaries of the lots on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots;
 - will not impact the potential for the realistic development in the opinion of the local government of other vacant blocks in the vicinity with particular regard to amenity, aspect and views; and
 - has been designed in harmony with the natural land form of the site.
- (iv) Where the local government is requested to approve a building the height of which exceeds those specified in Sub-Clause 5.12.1(i), the local government may require all or part of the following information—

Plans including sections and elevations, photographs and/or models of the proposed development, in addition to those details required for applications for Planning Approval, showing—

 - (a) all land in the area likely to be affected by the proposal in terms of views, aspect and impact on townscape;
 - (b) the effect of the proposed development on neighbouring or nearby properties with regard to view, aspect and impact on the area generally; and
 - (c) the materials to be used on the external surfaces of the building and any additional external treatment.
- (v) Any Planning Approval issued pursuant to the provisions of this Clause may only be granted by an absolute majority of the local government.

Notes: A reference in this Clause to a building does not include a reference to—

- (a) an aerial
- (b) a chimney stack;
- (c) a mast;
- (d) a pole;
- (e) a receiving tower;
- (f) a silo;
- (g) a transmission tower;
- (h) a utility installation;
- (i) a ventilator; and
- (j) a building within the Industrial zone.

5.12.2 Townscape Plans

(i) The local government—

- (a) may prepare Townscape, Landscape or Urban Design Plans or Strategies for settlements or any part or parts thereof within the Scheme Area either as Local Planning Policies pursuant to clause 2.4 or Structure Plans in accordance with Section 6.4; and
- (b) will have due regard for the provisions of any endorsed Plan or Strategy when making determinations on any application involving land covered by such an endorsed document.

5.12.3 General Appearance of Buildings and Preservation of Amenity

The local government may refuse to approve the commencement or carrying out of any development involving any building or other work if, in its opinion, the proposed building or other work would have an adverse effect on the amenity of the locality. In exercising its discretion under this clause, the local government shall have regard to—

- (i) the external appearance of the building and any associated structures and landscaping;
- (ii) the dimensions and proportions of the building or structure;
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;
- (iv) the effect of the building or works on nearby properties, and on the occupants of those buildings;
- (v) the effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;
- (vi) the effect on the landscape and environment generally; and
- (vii) any other matter which in the opinion of the local government is relevant to the amenity of the locality.

5.12.4 Inappropriate or Incongruous Development

Where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works is out of harmony with existing buildings or the landscape of the locality by virtue of the design and appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and massing of any building, the local government may refuse the proposal notwithstanding that it otherwise complies with, the provisions of the Scheme or may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.

5.12.5 Untidy Places

- (i) No land within the Scheme Area shall on a permanent or regular basis be used for the purposes of storage and/or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the written approval of the local government.
- (ii) The local government may, by written notice as provided for in Part 11 and Schedule 3.1 of the *Local Government Act, 1995* require the owner, occupier or lessee of any land to undertake such works or actions for the improvement of the conditions and visual presentation of that property to a standard commensurate with those conditions prevailing in the locality.

5.12.6 Relocated Second-hand Buildings

The local government may permit the erection of a relocated building on a lot where—

- (i) in its opinion such building is in a satisfactory condition and the design and location of the building is to the satisfaction of the local government and will not adversely affect the amenity of the locality;
- (ii) the applicant for a building licence for such a building lodges a cash bond and enters into an agreement to the satisfaction of the local government to establish an acceptable standard of presentation as determined by the local government within 12 months of the issue of a building licence;

- (iii) the proposal complies with the provisions of the local government's Local Planning Policy—Relocated Buildings; and
- (iv) the local government will not support the relocation of asbestos-clad buildings.

5.12.7 Derelict Vehicles, Machinery and Objects

5.12.7.1 The local government shall not permit the storage and/or wrecking of derelict vehicles, sea containers or machinery or the storage of any materials within any zone, except the Industry zone, if it is visible from any road or where, in the opinion of the local government, it detracts from the amenity of the landscape without the written approval of the local government.

5.12.7.2 Notwithstanding Clause 5.12.7.1 should the applicant justify the proposal and commit to suitable management and address visual impact concerns following the receipt of a planning application, the local government may grant approval with or without conditions.

5.12.7.3 Notwithstanding any other provision of the Scheme, the storage and/or wrecking of any vehicle on private land, other than private land, within the Industrial zone within the local government area and approved by local government, is prohibited.

5.12.8 Outbuildings

- (i) The setback from boundaries for outbuildings will be in accordance with those applicable to dwellings under the Residential Design Codes in a Residential zone or as indicated in the Development Table—General for non-residential zones except as provided for in the local government's Local Planning Policy—Outbuildings.
- (ii) Planning approval will not be granted for any outbuildings in any Townsite or on Rural Residential and Rural Smallholdings zoned lot that does not contain a residence unless otherwise approved by the local government.
- (iii) The design and construction of outbuildings will be in accordance with the provisions of the local government's Local Planning Policy—Outbuildings.

5.12.9 Use of Setback Areas

No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following—

- (i) a means of access;
- (ii) the daily parking of vehicles;
- (iii) loading and unloading of vehicles;
- (iv) trade display only with the consent of the local government;
- (v) alfresco or other uses approved by the local government; and
- (vi) gardens and other landscaping.

5.12.10 Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

5.13 Landscaping

5.13.1 Landscaping for residential development shall comply with the provisions of the R Codes.

5.13.2 Development in the Industry Zone shall provide a 2m wide landscaping strip to the lots street frontage(s) (excluding any accessways). Where the above mentioned landscaping strip is not considered necessary by the local government, 5% of the site is to be landscaped in a position to the satisfaction of the local government.

5.13.3 In all other zones, the requirements for landscaping will be determined by Council on the merits of each case.

5.13.4 Landscaping means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included.

5.13.5 In considering the landscaping requirement of any application for planning approval, the local government will have due regard to the local government's Local Planning Policy—Landscaping.

5.13.6 Access driveways between a street alignment and any buildings may be included in the landscaping requirement but other car parking areas and driveways shall not be included.

5.13.7 Landscaping required pursuant to this Scheme or pursuant to a conditional planning approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government. No person shall, unless the local government otherwise approves, occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

5.14 Retaining Walls/Screen Walls

Except for proposals to which the R Codes apply—

- (i) No retaining wall shall be constructed which alters the contours of the natural surface by more than 0.5m without the approval of the local government.
- (ii) No fence or screen wall shall be erected within 0.5m of a dividing boundary to a height greater than 1.8m above natural ground level without the approval of the local government.

5.15 Storage of Goods

5.15.1 No open storage of goods, unserviceable vehicles or machinery shall be permitted within 10m of the front boundary of any site unless where approved by local government for trade display, for building purposes associated with an authorised development of the site for domestic short term use in the opinion of the local government, or for a use granted approval by the local government.

5.15.2 Notwithstanding the provisions of the Zoning Table and the definition of “storage” under Schedule 1, land within the Priority Agriculture, General Agriculture, Rural Smallholdings, Rural Conservation and Rural-Residential zones may not be used for “storage” purposes, other than for produce grown or reared on the property, without the prior approval of the local government. Such an approval will only be granted where the goods, produce or items to be stored are, or are associated with the production or maintenance of rural goods, produce or other items used on the subject land or other land in the vicinity of the site.

5.15.3 All storage areas shall be screened by landscaping, fencing or other means acceptable to the local government to ensure that such storage areas are not exposed to view from nearby roads or other public places as deemed appropriate by the local government.

5.16 Parking of Commercial Vehicles in Residential and Rural Residential Zones

5.16.1 A Planning Consent is not required where the proponent satisfies the following criteria—

- (i) A person shall not park, or cause to be parked, more than one commercial vehicle in the Residential or Rural-Residential zones.
- (ii) A person may park one commercial vehicle in the Residential or Rural Residential zone if—
 - (a) no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;
 - (b) the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
 - (c) the vehicle is effectively screened from view from outside the lot;
 - (d) the vehicle does not exceed 3m in height or 8m in length;
 - (e) the vehicle is parked behind the front building line;
 - (f) any noise created by the vehicle does not contravene the *Environmental Protection (Noise) Regulations 1997*;
 - (g) major repairs to the vehicle are not undertaken on the lot;
 - (h) any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot; and
 - (i) the vehicle is not brought to or taken from the lot between the hours of midnight and 6am.

5.16.2 For the purpose of Clause 5.16.1, “commercial vehicle” means a vehicle exceeding an unladen tare weight of 3 tonnes or a length of 5m.

5.17 Car Parking Requirements

5.17.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring planning approval under the Scheme unless car parking accommodation, in accordance with the provisions of Tables 2 and 3, is provided on the site the subject of the application in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard. Additionally, the local government may require the provision of spaces for cycle racks and vehicles for the disabled as necessary.

5.17.2 Where land is to be developed or used for purposes not mentioned in Table 2, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the—

- (i) nature of the proposed development;
- (ii) number of employees or others likely to be employed or engaged in the use of the land;
- (iii) anticipated demand for visitor parking; and
- (iv) orderly, proper and sustainable planning of the area.

5.17.3 The off-street car parking requirements for particular developments and land uses are listed in Table 2 or as varied by the provisions of this Scheme.

5.17.4 Subject to the provisions of this Clause, the car parking requirements shall be provided on the site the subject of the proposed development, or with the approval of the local government in the immediate vicinity thereof; provided that where parking is proposed to be located off site, arrangements for the permanent retention of that parking accommodation can be set in place to the satisfaction of the local government.

5.17.5 All off-street parking areas shall accord with the provisions of the local government’s Planning Policy—Car Parking.

5.17.6 Where an applicant for planning approval can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 2, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking not as landscaping.

5.17.7 Where the maximum dimension of an open car parking area exceeds 20m in length or width, one parking space in every 20 shall be used for garden and planting of native plants and trees to provide visual relief and so long as the garden and planting areas are maintained in good order, those parking spaces shall be included in calculations as landscaping and not as car parking.

5.17.8 Where an applicant for planning approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of on-site car bays provided—

- (i) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
- (ii) landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal rights to parking facilities to assure the continued access to shared parking facilities.

Notes: The local government may require the agreement to be prepared by a solicitor at the expense of the applicant or other arrangements undertaken to the satisfaction of the local government.

5.17.9 Construction of Parking Areas

Except as may otherwise be approved by the local government, all parking areas shall be constructed with a sealed surface comprising bitumen seal, concrete, brick paving or pea-gravel seal on a compacted gravel base with satisfactory—

- (i) drainage to a sump and connected to the local government's main drain system;
- (ii) surface lines being marked out to show the manner in which the parking area is to be used; and
- (iii) landscaping where large parking areas are involved to effectively screen the paved areas from view from the street or other public places and around and within the parking area to provide shade, as determined by the local government.

5.17.10 Pedestrian Movement within Parking Areas

In instances where large areas of land are developed for parking purposes, provision shall be made to the satisfaction of the local government for pedestrian movement systems through the parking areas concerned to connect with other pedestrian movement routes in the locality.

5.17.11 Cash-in-lieu of Car Parking

Where an applicant for planning approval can satisfy the local government that the minimum car parking requirements cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause—

- (i) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces and associated manoeuvring areas required by the Scheme, plus the value as estimated by the Valuer General, or by a appropriate professional appointed by the local government of that area of land which would have been occupied by the shortfall of car parking spaces;
- (ii) before the local government agrees to accept a cash payment in lieu of the provision of parking spaces, the local government must have—
 - (a) purchased land for a car park; or
 - (b) provided a public car park in the vicinity of the proposed development or have a firm commitment to do so; or
 - (c) have an endorsed car parking strategy with agreed works to be implemented;
- (iii) payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the local government may use this fund to provide public car parks anywhere in the vicinity of the land in respect of which the parking requirement arose; and
- (iv) the local government may accept the transfer of land within the Town Centre zone in lieu of or in part of the provision of car parking spaces subject to such conditions as the local government deems necessary.

5.18 Traffic Management

5.18.1 Parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government shall be provided prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer. Such areas shall be maintained to the satisfaction of the local government.

Table 2: Car Parking Requirements

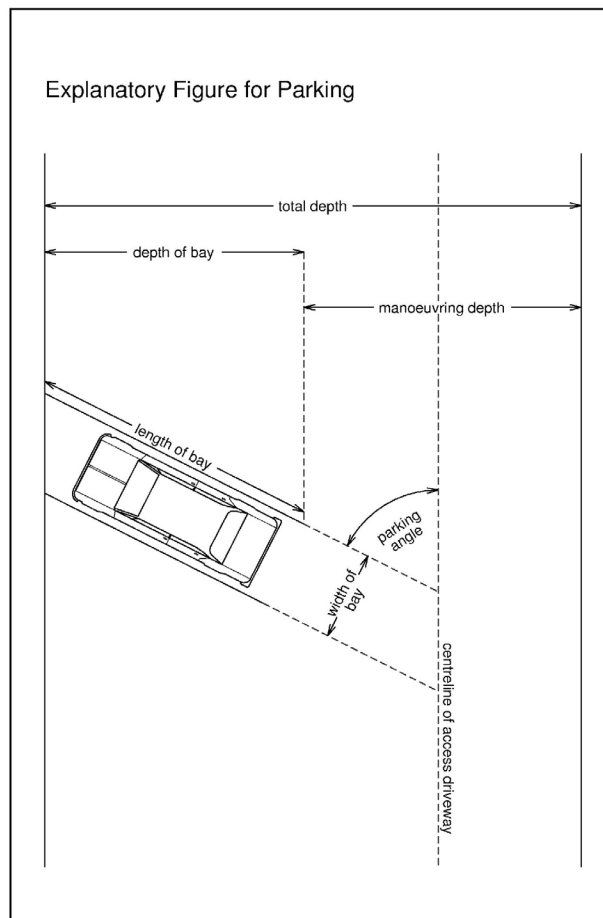
Use	Minimum Number of Parking Spaces to be Provided
Civic Use	1 per 30m ² GFA
Club Premises	1 per 50m ² GFA

Use	Minimum Number of Parking Spaces to be Provided
Club (Licensed)	1 per 5m ² bar and other activity area
Consulting Rooms Group	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family Day Care Centre	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Dry Cleaning/Laundry	1 per 30m ² GFA
Fast Food Outlet	1 per 4 seated patrons
Health Centre	1 per 30m ² GFA
Hotel	1 per 5m ² public area + 1 per bedroom
Industry	
General	1 per 100m ² GFA
Light & Service	1 per 50m ² GFA
Liquor Store	1 per 25m ² GFA
Motel	1 per unit + 1 per 25m ² service area
Office	1 per 40m ² GFA
Public Amusement	1 per 4 seats provided
Public Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant	1 per 4 patrons
Restricted Premises	1 per 25m ² GFA
Service Station	1 per 200m ² gross site area
Shop	1 per 25m ² GFA
Tavern	1 per 5m ² public area
Veterinary Consulting	4 per practitioner
Warehouse, Showroom	1 per 100m ² GFA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

GFA = Gross Floor Area—the total floor area of a building measured to the outer face of external walls, but does not include areas occupied by lift, lift motor or plant rooms, car parking spaces or loading bays or internal access thereto, nor public arcades or toilets.

Table 3: Parking Dimensions

Parking Angle	Width of Bay (m)	Length of Bay (m)	Depth of Bay (m)	Minimum Manoeuvring Depth (m)	Minimum Total Depth (m)
(a) One-Way Access					
90°	2.6	5.5	5.5	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) Two-Way Access					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

Explanatory Figure for Parking**5.18.2 Traffic Entrances**

- (i) The local government may limit access to a lot to a single entry/exit point or may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- (ii) Access to a lot for vehicles shall not be permitted directly to or from major roads where suitable access is available from side or rear streets unless the applicant suitably demonstrates traffic safety and need.
- (iii) Where access to a lot abutting a major road outside of the Town Centre zone is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.
- (iv) In the case of access to any road which is the responsibility of Main Roads Western Australia or the Department of Environment and Conservation the relevant agency, is to be consulted prior to the construction/modification or closure of any vehicular access to such road.

5.18.3 Visual Truncations

- (i) Except with the approval of the local government, no building, or fence or other form of visual obstruction greater than 0.75m in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15m truncation of a street corner or within a 3m by 1.5m truncation of a vehicular accessway.
- (ii) Notwithstanding any policy adopted by the Commission dealing with the ceding of site truncations from corner lots, the local government may, having due regard to amenity, safety or any other matter relevant to orderly and proper planning to determine that a visual truncation shall be provided on a corner lot where either road verge width is less than 5m or the roads intersect other than at right angles.

5.18.4 Access for Loading and Unloading Vehicles

In non-residential zones—

- (i) no land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials;
- (ii) the local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction; and
- (iii) it is expected that any accessway shall be not less than 4.5m wide but in exceptional circumstances the local government may permit an accessway of lesser width but not less than 3m and then only when a one-way system can be established.

5.19 Development of Land without Constructed/Dedicated Road Frontage or Access

Notwithstanding any other provision of the Scheme, the local government's planning approval is required for any development on land abutting an un-constructed road or a lot or location which does not have frontage to a dedicated road. In considering such an application, the local government may—

- (i) refuse the application until the road has been constructed and access by means of a dedicated road is provided; or
- (ii) require other legal arrangements to be made for permanent legal access, to the satisfaction of the local government; or
- (iii) where dedicated road access is available grant approval to the application subject to a condition requiring the applicant to pay a sum of money in whole or in part towards the cost of constructing the road or part thereof and any other condition it considers fit to impose.

5.20 Development Below High Water Mark

A person shall not carry out any development on land without the planning approval of the local government which—

- (i) is below the high water mark;
- (ii) forms part of the bed of a river, foreshore, creek, bay, lagoon, wetland or other natural watercourse shown uncoloured on the map; or
- (iii) has been reclaimed.

In connection with any form of land use or development that affects the responsibilities of Department of Water, that agency will be consulted and any comments provided will be given due regard before any approval is granted.

5.21 Services to All Development

The local government shall not grant its consent to the carrying out of any development on any land unless—

- (i) a water supply and facilities for the removal or disposal of sewerage and drainage are available to that land;
- (ii) appropriate legal and practical vehicular access is in place to the satisfaction of the local government; and
- (iii) arrangements satisfactory to it have been made for the provision of that supply and those facilities.

5.22 Waste Disposal

No person shall, within a Townsite, without the planning approval of the local government, use privately owned land for the disposal or dumping of any rubbish or waste matter (excluding approved wastewater disposal systems), either temporarily or permanently.

5.23 Sewerage Connection for Residential Development

5.23.1 Notwithstanding anything elsewhere appearing in the Scheme, all residential development shall be connected to a comprehensive sewerage system. However, where no such connection is available, in the opinion of the local government, no residential development other than the erection of a single house shall be approved unless—

- (i) the Health Department recommends to the local government that there are exceptional circumstances to warrant a variation from the requirement to connect to a sewer; or
- (ii) the lot the subject of the application has been approved for development for residential purposes in excess of a single house under the provisions of a Shire of Manjimup Planning Scheme previously published, and redevelopment is only being carried out to an equivalent or lesser extent as previously approved under that Scheme.

5.23.2 Notwithstanding the provisions of clause 5.23.1, where land is within an area classified Residential R5 or lower, then subdivision and development at those densities may occur without the requirement to connect to sewerage provided that it can be established to the satisfaction of the local government and the Department of Health that on-site forms of waste water disposal can be installed and work effectively for each new development.

5.23.3 Where there is no reticulated sewerage available, and in the opinion of the local government and/or Department of Health, the operation of septic tanks will not work satisfactorily, the local government may require landowners to install appropriate alternative nutrient removing effluent disposal systems at the time of development.

5.24 Dwellings Without Reticulated Mains Water Supply

5.24.1 The local government will seek to ensure that proposed new lots which are below 1ha are connected to a reticulated water supply.

5.24.2 Where any dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water catchment tank with a minimum capacity of 120 000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.

5.24.3 Where, in addition to the requirements of clause 5.24.2 for a supply of potable water for any dwelling, additional water supplies are required for fire fighting and secondary purposes, the capacity of the rainwater catchment tank shall be a minimum of 135 000l along with sufficient roof catchment or other methods of water capture acceptable to the local government.

Notes: The local government will not accept responsibility for management of a reticulated water supply.

5.25 Bush Fire Hazard and Fire Management Plans

5.25.1 In areas determined by the local government to be high and extreme bush fire hazard areas as shown in the hazard assessment mapping contained in the Local Planning Strategy or Local Planning Policies as amended from time to time, all buildings, whether or not they require planning approval pursuant to the Scheme shall be constructed so as to comply with the requirements of the relevant Australian Standard.

5.25.2 In areas determined by the local government to be a medium bush fire hazard area having regard to fire hazard mapping prepared from time to time, the local government may require any proposed new building to comply with the requirements of the Australian Standard.

5.25.3 Where fuel reduction zones are shown on an approved and implemented Structure Plan or Fire Management Plan, the owners and/or occupiers of the affected land are required to maintain that land in a low fuel condition clear of regrowth, scrub, tall dried grass and leaf litter. Where no fuel reduction zone has been specified in an approved Structure Plan or Fire Management Plan, a 30m fuel zone is to be provided around dwellings in the Rural-Residential and Rural Small Holdings Zones.

5.25.4 Where a Fire Management Plan has been endorsed by the Fire and Emergency Services Authority of Western Australia and the local government, through the planning process, the affected land owners will be responsible for the ongoing implementation of the "land owners' responsibilities" as specified in that Fire Management Plan.

5.26 Telecommunications Infrastructure

5.26.1 An application for planning approval from the local government is required for the development of all telecommunications infrastructure (overhead cabling, telecommunications towers, radio communications dishes, etc) excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent Amendments to that Determination.

5.26.2 Applications for the development of telecommunications infrastructure shall be accompanied by plans and information required for applications for planning approval under clause 9.1 and will be considered in relation to the following—

- (i) consistency with the objective and purpose of the zone or reserve;
- (ii) social and economic benefits of the proposal;
- (iii) the impact of the proposal on the landscape, heritage and environmental values of the locality;
- (iv) coordination with other services; and
- (v) any relevant policy adopted by the local government.

5.26.3 Applications for telecommunications infrastructure on Crown land must be accompanied by written consent of the Department for Regional Development and Lands (State Land Services) and any applicable management authority.

5.27 Power Generation

5.27.1 The installation of power generating devices in the form of photovoltaic systems, wind powered generators and any other power generating devices constitutes development for the purpose of the Scheme, which require application for Planning Approval except as exempt under Clause 8.4

5.27.2 In considering an application required under Clause 5.27.1, the local government will give due regard to the degree to which the proposed power generating device, in the opinion of the local government, may impact upon or detract from the amenity of nearby property owners or the streetscape character of the locality within which the device is to be located.

5.27.3 The size of power generating devices that can be approved at any one site will generally not exceed—

- (i) in the Residential zone, a free standing photovoltaic system of 2kw (e.g. 12 panel system) and 2 domestic scale wind powered generators;
- (i) in the Town Centre Zone, a free standing photovoltaic system of 4kw (e.g. 24 panel system) and 2 domestic scale wind powered generators;
- (iii) in the Industrial Zone a free standing photovoltaic system of 10kw (e.g. 60 panel system) and 5 domestic scale wind powered generators; or
- (iv) in any other zone a free standing photovoltaic system and up to 5 domestic scale wind powered generators may be considered, where in the opinion of the local government these devices do not detract from the character or amenity of the locality and where the scale of development and use will be compatible with the purpose and objectives of the zone in which they are to be located.

5.27.4 Notwithstanding Clause 5.27.3 a), b) and c), the local government may support larger systems where it is satisfied that such a proposal would not have a detrimental impact on the character and amenity of the locality in which the power generating devices are proposed.

5.27.5 Where more than 5 wind powered generators are proposed, this use shall constitute a wind farm for the purposes of the Scheme with applications to be determined accordingly.

5.27.6 Where a power generating device is proposed on a property contained within the Heritage List of the Scheme, an application for Planning Approval will be required, such a use will be a discretionary use ("D" use) and the local government will consult with and give due regard to comments provided by the Heritage Council of Western Australia prior to determining the proposal.

5.28 Provisions and Contributions for Services and Facilities

5.28.1 Were, in the opinion of the local government and/or the WA Planning Commission, there will be a demand for the provision of services or facilities as a consequence of the carrying out of development or subdivision of land, or create associated impacts in the opinion of the local government, then, subject to the provisions of Clause 5.27.2, the local government may impose as a condition of planning consent for that development and the WA Planning Commission may impose as a condition of subdivision approval a requirement for the provision of those services and facilities or the making of a monetary contribution in lieu of such provision.

5.28.2 Conditions requiring the payment of Developer Contributions will normally only be imposed or recommended for imposition as appropriate by the local government where the payment of those contributions is—

- (i) anticipated in a publicly advertised Developer Contributions Local Planning Policy, endorsed by the local government and Western Australian Planning Commission or Structure Plan endorsed by the Western Australian Planning Commission; or
- (ii) provided for in an adopted Western Australian Planning Commission Policy.

5.28.3 Any contributions received as a result of a condition imposed pursuant to Clause 5.28.1 shall be held in trust by the local government until utilised for the specified purpose at the specified time.

5.28.4 A register of contributions, identifying the date of receipt, from whom received, the specified purpose and general time of provision shall be prepared by the local government and made available to any person wishing to view same.

5.29 Advertisements

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the *Planning and Development Act 2005* and requires the planning approval of the local government in accordance with the provisions of Part 9 of the Scheme, unless it is an exempted advertisement as listed in Schedule 15.

5.30 Home Office/Home Occupation/Home Business

5.30.1 As set out in Clause 8.4, planning approval is not required to conduct a home office as defined in the Scheme.

5.30.2 Where the local government issues an approval to conduct a home occupation or a home business, the approval relates to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

5.30.3 If in the opinion of the local government, a home occupation or home business is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may rescind the approval.

5.30.4 An approval to conduct a home occupation or home business may be issued subject to an annual permit which subject to determination by the local government, may be renewed by application to the local government for planning approval.

5.30.5 In considering an application for home occupation or home business, the local government will have regard for the provisions of the local government's Local Planning Policy—Home Occupation or Home Business.

5.31 Building Envelopes

5.31.1 Where, on any plan adopted or approved by the local government under the Scheme, a building envelope is shown for the purpose of confining development to a specific portion of the land, the local government may, in circumstances where full and satisfactory justification is provided by the applicant and subject to compliance with the provisions of clause 9.6, approve a variation to, or relocation of the building envelope provided in each case it is satisfied that—

- (i) the objectives of the zone are not compromised;
- (ii) the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have been built within the building envelope as originally proposed;
- (iii) development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
- (iv) the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment.

Where no building envelope is prescribed for a lot and there is no endorsed building exclusion area or scheme setback, the building envelope, where one or more buildings has been constructed on the land, is deemed to be a circle, 30m in radius, from the central point of the building constructed closest to the centre of the lot or where a dwelling exists, from the centre of the dwelling. Notwithstanding the foregoing, no part of a building envelope may be closer to the respective boundaries than the setbacks specified for the zone within which the lot is situated unless appropriately justified by the applicant and approved by the local government. Where land is undeveloped, the local government may require a building envelope to be defined on a plan submitted with the appropriate application for approval to construct the building.

5.32 Town Centre Zone

5.32.1 Policies

The local government's Policies in controlling development and influencing subdivision within the Town Centre zone will therefore be to—

- (i) permit a range of uses, with discretionary powers where relevant, appropriate to achieve the objective for the zone; and
- (ii) adopt and flexibly implement controls and policies over development standards, car parking, accessibility, landscaping, streetscape and community facilities to achieve effective planning outcomes.

5.32.2 Subdivision and Development Standards

5.32.2.1 Site Requirements

- (i) Notwithstanding the standards contained in the Scheme and the variations to plot ratio available in the Town Centre zone (Clause 5.32.2.1(iv)), the local government shall consider the following when contemplating varying maximum plot ratios—
 - (a) the proportion of the site area to be covered by building;
 - (b) any area of public space in relation to the site area;
 - (c) the amalgamation of the site area with adjacent allotments; and
 - (d) conformity with the Scheme objectives for the particular zone.
- (ii) The power conferred by this clause may only be exercised if the local government is satisfied that—
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
- (iii) Development in the Town Centre zone shall accord with the following standards—
 - (a) Maximum Plot Ratio is 2.0;
 - (b) A minimum of 5% of the site shall be set aside for landscaping;
 - (c) Car parking shall be provided in accordance with Clause 5.17;
 - (d) Development shall be in accordance with Clause 4.2.2 and where identified in a Planning Precinct Statement shall be in accordance with the provisions as set out in Schedule 8.
 - (e) Low-Impact Tourist Accommodation—Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more than 20 persons or equivalent accommodation types (including bed and breakfast facilities)
- (iv) The local government may approve the following variations within the Town Centre zone for non-residential development with due regard to any Precinct Planning Statement in Schedule 8—
 - (a) an increase in plot ratio of 20% may be granted where the local government is satisfied that public open areas, courtyards or colonnades or other setbacks or preservation of heritage buildings warrants an increase to the permissible plot ratio;
 - (b) site coverage of up to 100% where the local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage, effluent disposal and any other matter which the local government deems necessary;
 - (c) a zero building setback from the front boundary where landscaped and paved pedestrian areas are to be provided adjacent to the front boundary and the local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing and loading and unloading.

5.32.2.2 Mixed Use Development

- (i) For mixed use development comprising a combination of residential and non-residential uses, the provisions of the Residential Design Codes will apply to the residential component of the development (at R30 code where connected to the reticulated sewerage system), and the provisions of this Scheme to the non-residential component of the development.
- (ii) Any proposal for residential development shall be considered by the local government in terms of its compatibility or otherwise with adjoining development.
- (iii) In the case of a lot being developed for both residential and some other use as may be approved in this zone, the local government will ensure that the design of the development provides a level of residential amenity consistent with the standard prescribed under the Residential Design Codes.

5.32.2.3 Other Planning Considerations

- (i) Where land use is changed in accordance with an approved Town Centre Strategy or Local Planning Policy, the local government shall consider new development proposals in the light of adjoining development and shall specify setbacks and landscaping requirements in order to reduce the impact on adjoining development.

- (ii) In determining side and rear boundary setbacks, the local government shall take into account the need for landscaping, private open space, pedestrian linkages, car parking, servicing, loading and unloading and open storage of goods and materials.
- (iii) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the Town Centre zone, the local government shall have regard to any relevant local government policy and relevant Planning Precinct Statements.
- (iv) All development shall provide for the separation of vehicles and pedestrians and for off-street car parking, loading facilities and traffic management devices where required by the local government.
- (v) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the Town Centre zone, the local government will have regard to the effect of the proposed use on local residential amenity along with other relevant sections of the Scheme, associated Local Planning Policy, and Planning Precinct Area Statements.

5.32.2.4 Car parking

Car parking accommodation shall be provided in accordance with the provisions of clause 5.16.

5.32.2.5 Change of Use to Existing Premises

When considering a change of use to existing premises within the Town Centre zone, the local government at its discretion may vary the application of the relevant development standards in respect of any development involving a change of land use of an existing building where no additions to floor-space are proposed and the local government considers that the development impact of the new development is no greater than previous approved land uses.

5.32.2.6 Local Planning Policy

The local government may prepare a Local Planning Policy and/or Plan for all or part of the Town Centre where development and uses will accord with the Policy provisions and/or Plan in addition to relevant Scheme provisions.

5.33 Residential Zone

5.33.1 Policies

The local government's policies in controlling development and influencing subdivision within the Residential zone will therefore be to—

- (i) ensure that subdivision and development comply with a Structure Plan where applicable, the Local Planning Strategy and the principles of any Local Planning Policy adopted by the local government;
- (ii) apply the Residential Design Codes to all residential development provided for in this Scheme; and
- (iii) require connection to reticulated sewerage for development that has a density greater than R10.

5.33.2 Subdivision and Development Standards

5.33.2.1 In assessing subdivision applications in the Residential zone, the local government will have due regard to the Residential Design Codes, relevant WAPC guidelines and in particular the principles relating to climate and site responsive design (Element 3) and water sensitive urban water management practices (Element 5) of Liveable Neighbourhoods along with Local Planning Policies relating to subdivision and the Local Planning Strategy.

The local government may also require a proponent to prepare a Detailed Area Plan, to the satisfaction of the local government, to guide future subdivision and/or development.

5.33.2.2 Site Requirements

- (i) Development within the Residential zone shall conform to the following standards—

Uses	Plot Ratio	Minimum Setbacks (m)		
		Front	Side	Rear
Residential Uses	*	*	*	*
Other Uses	0.50 : 1	6	Nil one side (Average 3)	5
Combined Residential and Other Uses	0.50 : 1	6	Nil one side (Average 3)	5

(*All requirements in accordance with provisions of the Residential Design Codes.)

- (ii) Where a lot has frontage to more than one street, the local government will determine to which street the front setbacks requirement will apply and will permit a reduction of setback on other frontages to not less than the setback for side boundary.

5.33.3 Structure Plan

5.33.3.1 It is the intention of the local government to ensure that subdivision and development of land within the Residential Zone should only take place after comprehensive planning has ensured high design standards and cost-effective servicing which are sensitive to the environment.

5.33.3.2 The local government shall not support any application for subdivision of land within the Residential zone in the district unless an endorsed Structure Plan has been prepared in accordance with clause 6.4. or the local government waives the requirement for the preparation of a structure plan pursuant to the provisions of sub-clause 5.33.3.4

5.33.3.3 Where an endorsed Structure Plan has been prepared and adopted by the local government, subdivision and subsequent development shall not be supported by the local government unless the criteria contained in these documents are generally in accordance with the requirements of Clause 6.4 in the opinion of the local government.

5.33.3.4 Notwithstanding Clause 5.33.3.3, the requirement to prepare a Structure Plan may be waived, if in the opinion of the local government, the proposal—

- (i) is unlikely to have any significant environmental impact;
- (ii) is in an area where no further subdivision potential is apparent;
- (iii) does not require and is unlikely to create the requirement for additional services;
- (iv) does not prejudice the subsequent preparation and adoption of a Structure Plan; and
- (v) is consistent with the objectives and provisions of the zone.

5.34 Priority Agriculture Zone

5.34.1 Policies

The local government's policies in controlling development and influencing subdivision are to—

- (i) ensure applications for planning approval for intensive agriculture in the Priority Agriculture zone shall where required, be assessed by the local government in accordance with the local government's Local Planning Policy—Intensive Agriculture. The local government will encourage a diversity of well managed and sustainable rural and agricultural activities where landowners and operators contain impacts on their own properties and where they adopt "good neighbour" practices designed to allow agriculture to continue on surrounding properties without conflict;
- (ii) confirm that the existence of a second dwelling house is not to be construed as justification for the subdivision of the land whether under the *Planning and Development Act 2005* or *Strata Titles Act 1985*; and
- (iii) confirm that the rural residential or rural smallholdings subdivisions will not be supported unless and until the land has been identified in an endorsed Local Planning Strategy for rural living and rezoned for that purpose.

5.34.2 Subdivision and Development Standards

5.34.2.1 Subdivision—General

- (i) In the Priority Agriculture zone, there shall be a presumption against the subdivision of land unless the local government is satisfied—
 - (a) the lots have already been divided by significant natural or man-made features and an undesirable precedent would not be set;
 - (b) the lots are for farm adjustment and the erection of dwelling houses is restricted through a "tied lot" in accordance with the *Planning and Development Act 2005* and the *Strata Title Act 1985*;
 - (c) the adjustment of lot boundaries where the application, if approved, will not result in the creation of additional lots;
 - (d) the lots are for specific uses such as recreation facilities and public utilities;
 - (e) the lots are required for the establishment of uses ancillary to the rural use of the land (eg. abattoir, canning works), or are required for the travelling public and tourists (eg. service stations, motels) and there is approved and substantial on-the-ground development in the opinion of the local government;
 - (f) of the need to excise a conservation lot;
 - (g) that the subdivision is necessary to enable the carrying out of an intensive agricultural pursuit and is in accordance with the local government's Local Planning Policy—Intensive Agriculture; and
 - (h) the balance of title also meets agreed objectives, standards and development controls.
- (ii) The local government will not support subdivision in the Priority Agriculture zone, which in its opinion will have the potential to adversely affect the rural landscape or be prejudicial to the agricultural use of the land or the locality.
- (iii) The local government shall not recognise the surrounding historic pattern of settlement alone as justification to support a subdivision proposal.

5.34.2.2 Subdivision for Agricultural Purposes

- (i) In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, there is a general presumption against the further subdivision of land in the Priority Agriculture zone, except where it can be clearly demonstrated that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands. Subdivision supported by the local government under these criteria shall have a minimum lot size of 80ha.
- (ii) In addition, in the case of subdivisions creating new or additional lots in the Priority Agriculture zone, new lots of less than 80ha will not be supported, except where the lot is a minimum of 40ha and all of the following criteria are met—
 - (a) an agronomist's report or similar demonstrates that each new lot will contain a minimum of 30ha of land with a high-capability rating (class 1 or 2) for annual or perennial horticultural production;

- (b) a hydrologist's report or similar demonstrates that each new lot has the capacity to capture and store water of a sufficient quantity and quality as applicable to the potential agricultural production on that lot and the State water management agency is prepared to agree that the capture of that water is within the limits of an endorsed Water Allocation Management Plan or is within the sustainable yield for that sub-catchment;
- (c) the total lot area incorporates the minimum area of 30ha of high-capability land, plus the water capture and storage area, plus an area for farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties, setbacks from watercourses and wetlands, plus the retention of any remnant vegetation that should be protected from clearing; and
- (d) that the remaining rural holding is a minimum of 40ha and complies with the requirements of Section 5.34.2, considered suitable for continued agricultural production based on lot size, land capability, land suitability, water availability, has appropriate fire protection measures in place, lot configuration and advice from any relevant government agency.

5.34.2.3 Reasons not to support a subdivision

The local government will not support the subdivision of land within the Priority Agriculture zone unless complying with one or more of the following criteria—

- (i) consistency with the Commission's Policy DC 3.4;
- (ii) consistency with the Local Planning Strategy;
- (iii) consistency with the Warren-Blackwood Rural Strategy; and
- (iv) consistency with State Planning Policies.

5.34.2.4 Development Requirements

(1) Development in the Priority Agriculture zone shall conform to the following standards—

- (i) Minimum Front Setback—30m
- (ii) Minimum Side Setback—10m
- (iii) Minimum Rear Setback—30m
- (iv) Except as otherwise indicated in this section and agreed to by the local government.

(2) Where the land adjoins State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land, in the opinion of the local government the setback from the common boundary shall be 100m.

(3) A reduction of the setbacks required in the preceding clauses may be permitted where the topography, soil conditions, location or shape of the lot are such as to make adherence to the requirement impractical and the application is justified by the applicant. In determining any such reduction, the local government will consider—

- (i) any alternative development sites on the property;
- (ii) possible bush fire hazards;
- (iii) environmental impacts;
- (iv) effluent disposal;
- (v) visual impact; and
- (vi) servicing/infrastructure implications.

(4) (i) With the exception of a single dwelling, where the proposed development is for a non-agricultural purpose, the local government shall require a minimum setback of 100m from existing intensive agricultural activities on any adjoining title, whether owned by the applicant or a third party, with the exception of urban development where the local government will require a minimum setback of 200m subject to having an approved Agricultural Impact Assessment.

(ii) Notwithstanding (a) above, the local government may approve a lesser setback where the applicant can demonstrate to the satisfaction of the local government that land use conflicts may be ameliorated by appropriate management design or buffer planting.

(iii) The local government may however require greater setbacks to effectively manage buffers, environmental impacts, and any other potential land use conflict to which could arise in the opinion of the local government.

(iv) When establishing setbacks all development and changes in land use shall have regard to potential impacts on rivers, wetlands and groundwater aquifers and the local government may require details of measures to manage the application of fertilisers or the methods proposed for the disposal of effluent as required.

(v) In determining proposals for the establishment of plantations, extractive industries and other development on land within the Priority Agriculture zone, the local government shall seek to ensure that the setbacks assist in maintaining environmental and landscape qualities of the locality so they are not detrimentally affected and that adequate provision is made for more intensive use of rural lands.

(vi) Low-Impact Tourist Accommodation—Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more than 20 persons or equivalent accommodation types (including bed and breakfast facilities). Strata title subdivision for any such development will not be supported.

5.34.2.5 Planning Considerations

In assessing applications for planning approval within the Priority Agriculture zone, the local government will consider the following—

- (i) the availability of services required to support the proposed development and the economic impact of the provision of, extension or upgrading of those services that may be required;
- (ii) the adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development; and
- (iii) the need to enforce such conditions as the local government deems appropriate, in order to minimise any adverse effect the development may have on the general environment of the area.

5.34.2.6 Second Dwellings—

- (i) The local government may grant approval of up to 2 dwellings including any approved Caretaker's Dwelling in the total, on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.
- (ii) Approval for or the existence of a second dwelling on one title is not to be construed as justification for the subdivision whether under the *Planning and Development Act 2005* or the *Strata Titles Act 1985*.
- (iii) The local government may grant temporary approval for a second dwelling on a property less than 40ha in area subject to any conditions considered necessary to maintain the agricultural land use and where compatible with surrounding uses land use.
- (iv) Regardless of other provisions in this scheme (including the zoning table), the local government will not support 3 or more dwellings on any title/lot regardless of the dwelling type (dwelling, ancillary accommodation, caretaker's dwelling, rural worker's accommodation).
- (v) The only exception to the above is that the local government will consider, if appropriately justified by the applicant, up to 3 dwellings on any title/lot where a dwelling is included on the local government's adopted Municipal Heritage Inventory and/or on the Heritage Council's State Heritage Register and where there is a suitable agreement, to the satisfaction of the local government (in consultation if appropriate with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.
- (vi) The applicant is required to appropriately justify the need for more than one dwelling on any title/lot.

5.34.2.7 Rural Workers' Accommodation

Where, on a property which has been developed for intensive agricultural purposes, it can be demonstrated to the satisfaction of the local government that a demand exists for the provision of rural workers' accommodation for transitory or seasonal workers on the holding, the local government may approve proposals for such accommodation on the basis that it will be used for short-stay purposes for those workers.

5.34.2.8 Bushfire Management

The local government will need to be satisfied that development will comply with the relevant Commission policy on bushfire protection and that an acceptable fire management plan will be implemented.

5.34.2.9 Reasons for Refusal

The local government shall refuse an application for planning approval where in its opinion the proposed development will—

- (i) adversely affect the rural landscape;
- (ii) adversely impact upon the agricultural use of the land and adjoining/ nearby areas;
- (iii) cause detrimental environmental impacts;
- (iv) result in unacceptable fire management risk;
- (v) place unacceptable servicing requirements which have not been appropriately addressed by the applicant;
- (vi) the impacts of the proposed use/development can not be adequately contained on the application site;
- (vii) in the opinion of the local government, result in an undesirable planning outcome.

5.34.3 Agricultural Trade Lots

In providing for farm build up, the creation of an Agricultural Trade Lot will be supported in the Priority Agriculture zone where—

- (i) the lot is a minimum of 40ha;
- (ii) there is a statutory restriction imposed that prohibits the development of a dwelling on the lot and the lot does not contain an existing dwelling; and
- (iii) the lot is "tied" by title as an Agricultural Trade Lot;
- (iv) all lots have legal access to the public road system; and
- (v) that the remaining rural holding is a minimum of 40ha and complies with the requirements of Clause 5.34.2.2, considered suitable for continued agricultural production based on lot size,

land capability, land suitability, water availability, has appropriate fire protection measures in place, lot configuration and advice from any relevant government agency.

5.34.4 Farm Restructuring

In the case of farm restructuring or boundary adjustment in the Priority Agriculture zone, where no additional lots are created, the principal issue of consideration in assessment will be improving the sustainability and viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land. Where a farm consists of multiple titles and the proposal is to consolidate the main operation into a single title, consideration will be given to the creation of lots smaller than the outlined criteria or in other parts of the Scheme, provided that—

- (i) the smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties;
- (ii) the smaller lots are located so as to have minimal adverse impact on the viability and sustainability of the main farming property;
- (iii) the total number of resulting lots is not greater than the original number of lots;
- (iv) the local government being satisfied with the proposed method of access; and
- (v) in the case of lifestyle lots, the land is located within 10km of a major townsite.

Variations to this theme may be considered on their individual merits in line with these basic principles.

In the case of farm rationalisations, where boundaries are realigned along existing fence lines, contours, creek lines, ridge lines, other topographic features or similar, rather than along rigid survey alignments, subdivision is and will be supported where it can be clearly demonstrated that the changes will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands.

Special variations to these criteria may be stated for each planning precinct as listed in the Local Planning Strategy according to the specific circumstances that apply within that planning precinct.

5.35 General Agriculture Zone

5.35.1 Policies

The local government's policies in controlling development and influencing subdivision within the General Agriculture zone will be to—

- (i) confirm that the existence of a second dwelling house is not to be construed as support or justification for the subdivision of the land whether under the *Planning and Development Act 2005* or *Strata Titles Act 1985*;
- (ii) confirm that rural residential or rural smallholdings subdivisions will not be supported unless and until the land is identified in an endorsed Local Planning Strategy for rural living and has been rezoned for that purpose; and
- (iii) require proposals for non-agricultural uses to be supported and justified by an Agricultural Impact Assessment unless otherwise varied by the local government.

5.35.2 Subdivision and Development Standards, Agricultural Trade Lots and Farm Restructuring.

5.35.2.1 The provisions of clauses 5.34.2, 5.34.3 and 5.34.4 shall also apply to the General Agriculture zone except that reference to the Priority Agriculture zone shall be deemed to be a reference to the General Agriculture zone.

5.36 Rural Residential Zone

5.36.1 Policies

The local governments Policies in controlling development and influencing subdivision within the Rural Residential zone will therefore be to—

- (i) consider approving low-key development where the applicant suitably demonstrates the development/use is consistent with the objectives for the zone;
- (ii) ensure that subdivision and development comply with an endorsed Structure Plan, the Local Planning Strategy and the principles of any Local Planning Policy adopted by the local government; and
- (iii) not support additional rural residential areas unless outlined in an endorsed Local Planning Strategy.

5.36.2 Subdivision and Development Standards

Subdivision and Development shall generally be in accordance with an endorsed Structure Plan that has been prepared and endorsed in accordance with Clause 6.4 or adopted as part of a Scheme Amendment either to revoked Local Planning Scheme No. 2 or to this Scheme. This endorsed plan will also form part of the Scheme.

5.36.2.1 Subdivision and Development shall also comply with the provisions applicable to each relevant areas as set out in Schedule 2.

5.36.2.2 Subdivision

- (i) The local government will seek the following for Rural Residential subdivisions—
 - (a) All lots should be suitable and capable of sustaining appropriate development in the opinion of the local government including the proponent suitably addressing environmental, natural resource management, servicing, fire management and visual impact issues and any other matter as determined by the local government;

- (b) The requirements of Clause 5.24 relating to the provision of water shall be complied with to the satisfaction of the local government.

5.36.2.3 Development

- (i) Only one dwelling will be permitted on any lot in the Rural Residential zone unless provided for in the Scheme.
- (ii) The local government may permit a caretaker dwelling or ancillary accommodation if—
- (a) appropriately justified by the applicant and addresses relevant planning consideration; and
 - (b) approval however is not considered to be—
 - justification for subdivision of the land under the *Planning and Development Act 2005* or the *Strata Title Act 1985*;
 - it is located within the same building envelope or building clearance area as the first or primary dwelling, or otherwise complies with the Residential Design Codes or the local government's Local Planning Policy.
- (iii) Development for non-residential purposes in the opinion of the local government, will not be granted planning approval on any lot within the Rural Residential zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal unless appropriately justified by the applicant and agreed to by the local government.
- (iv) Unless otherwise provided for in the endorsed Structure Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of—
- | | |
|--|------|
| (a) from a road boundary: | 20m |
| (b) from other boundaries: | 10m |
| (c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land: | 100m |
- (v) In the case where a lot has more than one street frontage, the local government may at its discretion permit the construction of buildings nearer to the secondary street frontage nominated by the local government, but not nearer than 10m to that street or streets where there is no endorsed building envelope or building exclusion area.

5.36.3 General Development provisions relating to a Rural Residential Zone

Subject to the provisions in Schedule 2 applicable to any specific Rural-Residential zone, the following provisions shall be applicable to all land included in either zone.

5.36.3.1 Land Use and Development

- (i) In addition to a building permit, the local government Planning Approval is required for development, including dwellings and outbuildings and all other discretionary land uses and development, where that development is outside of the building envelope prescribed for that lot or where it does not comply with setback requirements of the Scheme. All development shall be in accordance with the endorsed Structure Plan unless such variation is specifically approved by the local government.
- (ii) Unless otherwise provided for in the endorsed Structure Plan or special conditions, not more than one dwelling may be constructed or occupied on a lot within the zone. In addition to any other general Scheme provision, land included in a Rural Residential zone will be subject to any provision set out against it in the adopted endorsed Structure Plan.
- (iii) No building, outbuilding or fence shall be constructed of materials and be of a colour which in the opinion of the local government will not be detrimental to the character or natural landscape of the locality.
- (iv) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The local government may, from time to time, specify standards for fire resistant buildings consistent with Australian Standards for Bushfires.
- (v) Fencing design and materials are to be to the local government's satisfaction. The local government shall not approve fibro cement or similar materials that are considered to be inconsistent with the rural character of the area.
- (vi) No soil, rock or gravel reasonably suspected of being affected by plant disease and no declared plant or animal shall be introduced in the Rural Residential zone.
- (vii) The local government may take any action which it considers necessary to reduce or eliminate any adverse effects on the environment caused solely or partly by the stocking of animals or by other development on a lot and any expense in this regard which may be incurred by the local government, shall be recoverable from the registered owner of the land.
- (viii) Within any Stream Protection Area identified in an endorsed Structure Plan, the following provisions are to apply to an area with the minimum width of 10m, measured outwards from the top of both banks of the water courses—
- (a) No new dams, artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks without approval of the Department of Water (DoW).
 - (b) The activities of stock to be controlled such that the problems of erosion, pollution and vegetation degradation do not occur.

- (c) No spray (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser application buffer of 50m from the water course, shall be established on all land within the amendment areas. The no-spray requirements will not preclude carrying out of noxious weed control in accordance with the Agricultural Protection Board requirements.

5.36.3.2 Building Envelopes and Building Exclusion Areas

Where required by the endorsed Structure Plan and controls for a specific zone, a building envelope or building exclusion area for a lot shall be defined so as to attain the maximum flexibility for the location of buildings, but subject to—

- (i) avoidance of significant landscape and environmental elements;
- (ii) avoidance of areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;
- (iii) the envelope containing an effluent disposal area in accordance with the provisions of the Scheme; and
- (iv) conforming to the building setback requirements of the Scheme.

5.36.3.3 Building and development except for fences and firebreaks must be contained within the building envelope defined on a plan adopted by the local government for the zone.

5.36.3.4 The local government may at its discretion approve the relocation of a building envelope, or construction of a building outside the building envelope if it is satisfied that the amenity of the area, the privacy of adjoining properties and the landscape or environment of the area will not be detrimentally affected.

5.36.3.5 The building envelope or building exclusion area shall conform to the following standards unless otherwise provided for in a specific zone and detailed in Schedule 2.

5.36.3.6 Services—

- (i) The area for the disposal of effluent shall be sited so as to be no closer to a stream line or water body than a distance of 30m, and where soil types are assessed by the local government as having unsuitable absorption ability the minimum distance will be 100m. Generally, unsuitable soil types or landforms will be deep light sands, or soils subject to water logging or with a shallow water table.
- (ii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 1.2m and where soil types are assessed as having unsuitable absorption capacity the minimum vertical clearance shall be 2m.

5.36.3.7 Tree Preservation and Landscape Enhancement—

- (i) Within any Rural Residential zone, the provisions of Clause 5.7 shall apply except that clearing may not be undertaken within the defined/approved building envelope for the lot concerned without the prior consent of the local government.
- (ii) Where land in a proposed Rural Residential zone is considered by the local government to be deficient in tree cover and that such deficiency would, upon development, result in loss of landscape values, the local government may require the planting and maintenance, for a period of 2 years, of additional trees. Additional planting may be required as a special provision at the time of rezoning or as a condition of subdivision or Planning Approval, where required.

5.36.3.8 Fire Control—

- (i) Within a fuel reduction area identified in an endorsed Structure Plan, all substantial vegetation capable of creating a fire hazard shall be removed to the satisfaction of the local government, FESA and/or DEC.
- (ii) Within an area identified in an endorsed Structure Plan as subject to parkland clearing, the density of substantial vegetation shall be reduced to a level satisfactory to the local government, and where relevant FESA and/or DEC.
- (iii) Ongoing management of strategic firebreaks, fuel reduction areas, areas subject to parkland clearing and other fire control measures on private property required by the *Bush Fires Act 1954* is the responsibility of individual lot owners unless stipulated on a Fire Management Plan or an endorsed Structure Plan.
- (iv) The local government shall require all landowners to minimise the amount of inflammable materials on their land and clear all inflammable materials save for live-standing trees within a twenty metre radius around all buildings.
- (v) The local government may direct a landowner to clear all inflammable material from the land where it constitutes a fire hazard and should the landowner not do so within a reasonable period, the local government is empowered to carry out that work and any expense in this regard which may be incurred by local government shall be recoverable from the registered owner of the land.
- (vi) The local government may require provision of a suitable water source for fire fighting and registration on title of any necessary easements in favour of the local government.
- (vii) Road design to allow for safe egress in event of an emergency.

5.36.3.9 Outbuildings—

- (i) The maximum permitted floor area of outbuildings is 200m².

- (ii) The maximum floor area nominated above is the total gross area of all outbuildings on the lot excluding garages, carports or other structures that are substantially attached to the dwelling unless otherwise agreed by local government.

5.36.4 Zoning Requirements for Rural-Residential

5.36.4.1 Should an owner of land within the District or a proponent request the rezoning of a site to "Rural Residential" zone, the local government shall require that owner or proponent to provide to the local government a submission supporting the rezoning, and such submission shall include the following—

- (i) a clear statement of the objectives of the proposal;
- (ii) a statement indicating the relationship of the proposal to the local government's adopted Local Planning Strategy, and any other approved planning study adopted by the local government and specific to the area in which the subject land is located;
- (iii) a full description of the site characteristics of the subject land including an analysis of the geology and soil types of the area, existing land forms and land uses;
- (iv) a landscape assessment including an analysis of slopes, vegetation cover, skylines, vistas, stream environs and identifiable natural features;
- (v) information regarding the availability of potable/non-potable/secondary water, and the methods whereby it is proposed to supply potable water to service each proposed subdivisional lot;
- (vi) a brief outline of the planning structure, including the proposed areas to be subdivided, areas to be set aside for public open space, pedestrian accessways, trails, community facilities, those physical features including places, things, buildings and structures intended to be conserved or preserved;
- (vii) identification of any special development controls considered necessary or desirable; and
- (viii) such other particular information details or documents as the Local government reasonably requires to decide upon the merits of the rezoning.

5.36.4.2 Where the local government is of the opinion that the total area of the land to be subdivided and the number of lots that the subdivision will yield are not of such magnitude that strict adherence to all of the criteria outlined in Clause 5.36.4.1 is required to enable the local government to adequately assess the proposal, then the local government may permit a relaxation of the requirements in Clause 5.36.4.1.

5.36.4.3 If the local government upon receiving a submission referred to in Clause 5.36.4.1 considers the proposal to be acceptable in principle, it shall require the owner of the subject land to submit the documents necessary to effect a rezoning prepared in accordance with the requirements of Clause 5.36.4.1 and the Regulations, and if the local government is prepared to adopt a Scheme Amendment accordingly it may resolve to do so with or without modifications and thereafter shall proceed in accordance with the provisions of the Regulations.

5.36.4.4 The Scheme Amendment documents provided in accordance with Clause 5.36.4.3 shall include a Structure Plan showing—

- (i) the proposed ultimate subdivision including approximate lot sizes and dimensions;
- (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities and such other matters relevant to the amenity and orderly and proper planning of the area as the local government considers appropriate;
- (iii) those physical features including places, things, buildings and structures which it is intended to conserve or preserve;
- (iv) the proposed staging of the subdivision where relevant;
- (v) strategic firebreaks, where required; and
- (vi) other matters deemed appropriate by the local government.

5.36.4.5 The local government as a condition of proceeding in principle with a proposed rezoning of land to Rural Residential zone may require the owner of the subject land to enter into an agreement with the local government to comply with such terms and conditions relevant to amenity and orderly and proper planning as the local government considers appropriate to ensure that the subject land is developed in an acceptable manner, particularly, but without limiting the generality of the foregoing, in relation to the provision of an adequate potable water supply, upgrading of roads, drainage.

5.36.4.6 The local government shall not initiate a rezoning of the subject land, or continue the procedures for rezoning if the owner refuses or fails to enter into or comply with such agreement.

5.36.5 Provisions for Specific Rural Residential Zones

5.36.5.1 In addition to the general provisions set out in Clause 5.36.2 and 5.36.3, the provisions set out in Schedule 2 shall apply to the control of land uses and development in the specific areas referred to therein. Where there is an endorsed Structure Plan for any specific area referred to in Schedule 2, that Plan shall form part of the Scheme, and future subdivision within any such specific area shall generally be in accordance with the endorsed Structure Plan.

5.37 Rural Smallholdings Zone

5.37.1 Policies

The local government's policies in controlling land use, development and influencing subdivision within the Rural Smallholdings zone are to confirm that the existence of a second dwelling house is not to be construed as support or justification for the subdivision of the land under the *Planning and Development Act 2005* or the *Strata Titles Act 1985*.

5.37.2 Subdivision and Development Standards

Subdivision and Development shall generally be in accordance with an endorsed Structure Plan that has been prepared and endorsed in accordance with Clause 6.4 or adopted as part of a Scheme Amendment. This endorsed Plan will also form part of the Scheme.

Subdivision and Development shall also comply with the provisions applicable to each relevant area as set out in Schedule 3.

5.37.2.1 Subdivision—

- (i) The local government will seek the following for Rural Smallholdings subdivisions—
 - (a) no Structure Plan is required for lot sizes between 20 and 40ha, but a land suitability and capability assessment will be required, to the satisfaction of the local government and the Western Australian Planning Commission;
 - (b) for lots 4ha to <20ha, a land suitability and capability assessment, structure plan and special provisions in Schedule 3 “Rural Smallholdings—Additional Requirements” will be required to guide future land use, subdivision and development to the satisfaction of the local government and the Western Australian Planning Commission;
 - (c) design, development and management provisions will be required to provide a variety of housing and lifestyle opportunities;
 - (d) opportunities for home business, industry-cottage, tourist and rural pursuits where part time or full time income may be derived from specialty agricultural production and value-adding activities, arts, crafts and hobbies, small scale home manufacturing, home office, home based medical, health and similar activities;
 - (e) an identifiable rural lifestyle theme (eg. conservation lots, bush blocks, equestrian parks; permaculture estate);
 - (f) where any dwelling is proposed to be constructed within the Scheme area which cannot be connected to a reticulated mains water supply, the provisions of Clause 5.24 shall apply

5.37.2.2 Development—

- (i) Only one dwelling will be permitted on any lot unless provided for in Schedule 3 or an endorsed Structure Plan.
- (ii) The local government may permit a caretaker dwelling or ancillary accommodation if—
 - (a) appropriately justified by the applicant and addresses relevant planning consideration; and
 - (b) approval however is not considered to be—
 - (1) justification for subdivision of the land under the *Planning and Development Act 2005* or the *Strata Titles Act 1985*; or
 - (2) it is located within the same building envelope or building clearance area as the first or primary dwelling, or otherwise complies with the Residential Design Codes or the local government’s Local Planning Policy.
- (iii) Development for non-residential uses will not be granted planning approval on any lot within the Rural Smallholdings zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal unless appropriately justified by the applicant and agreed to by the local government.
- (iv) Unless otherwise provided for in the endorsed Structure Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of—

(a) from a road boundary:	20m
(b) from other boundaries:	10m
(c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land:	100m
- (v) In the case where a lot has more than one street frontage, the local government may at its discretion permit the construction of buildings nearer to the secondary street frontage nominated by the local government, but not nearer than 10m to that street or streets where there is no endorsed building envelope or building exclusion area.

5.37.3 General Development provisions relating to a Rural Smallholdings Zone

Subject to the provisions in Schedule 3 applicable to any specific Rural Smallholdings zone, the following provisions shall be applicable to all land included in either zone.

5.37.3.1 Land Use and Development—

- (i) In addition to a building permit, local government Planning Approval is required for development including dwellings and outbuildings and all other discretionary land uses and development, where that development is outside of the building envelope prescribed for the lot in question or where it does not comply with setback requirements of the Scheme. All development shall be in accordance with the endorsed Structure Plan unless such variation is specifically approved by the local government.
- (ii) Unless otherwise provided for in the endorsed Structure Plan or special conditions, not more than one dwelling may be constructed or occupied on a lot within the zone. In addition to any other general Scheme provision, land included in a Rural Smallholdings zone will be subject to any provision set out against it in the adopted development control plan.

- (iii) Unless otherwise provided for in the endorsed Structure Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of—
 - (a) from a road boundary: 20m
 - (b) from other boundaries: 10m
 - (c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land: 50m
- (iv) No building, outbuilding or fence shall be constructed of materials or be of a colour which in the opinion of the local government is detrimental to the character or natural landscape of the locality.
- (v) Fencing design and materials are to be to the local government satisfaction. The local government shall not approve fibro cement or similar materials which are considered to be inconsistent with the rural character of the area.
- (vi) No soil, rock or gravel reasonably suspected of being affected by plant disease and no declared plant or animal shall be introduced in the Rural Smallholdings zone.
- (vii) The local government may take any action which it considers necessary to reduce or eliminate any adverse effects on the environment caused solely or partly by the stocking of animals or by other development on a lot and any expense in this regard which may be incurred by the local government, shall be recoverable from the registered owner of the land.
- (viii) The keeping of livestock will not be permitted unless the applicant can demonstrate to the local government upon request that the animals are correctly yarded and lots will be managed to ensure that the soil and vegetation are not denuded. In considering any request to keep animals, the recommendations of the Department of Agriculture and Food may be sought.
- (ix) Within any Stream Protection Area identified in an endorsed Structure Plan, the provisions of Clause 5.36.3.1 (viii) shall apply.
- (x) Low-Impact Tourist Accommodation—Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more than 20 persons or equivalent accommodation types (including bed and breakfast facilities). Strata title subdivision for any such development will not be supported.

5.37.3.2 Building Envelopes and Building Exclusion Areas, Services, Tree Preservation and Landscape Enhancement and Fire Control

The provisions of clauses 5.36.3.2 to 5.36.3.8 shall also apply to the Rural Small Holdings Zone zone except that reference to the Rural Residential zone shall be deemed to be a reference to the Rural Small Holdings zone.

5.37.3.3 Outbuildings

The maximum permitted floor area of outbuildings is 300m², unless otherwise agreed by the local government.

The maximum floor area nominated above is the total gross area of all outbuildings on the lot excluding garages, carports or other structures that are substantially attached to the dwelling unless otherwise agreed by the local government.

5.37.4 Zoning Requirements for Rural Smallholdings

5.37.4.1 The provisions of sub-clause 5.36.4 shall apply except that a reference to Rural-Residential zone in that clause shall be read as a reference to the Rural Small Holdings Zone.

5.37.5 Provisions for Specific Rural Smallholdings Zones

5.37.5.1 In addition to the general provisions set out in Clause 5.37.2 and 5.37.3, the provisions set out in Schedule 3 shall apply to the control of land uses and development in the specific areas referred to therein. Where there is an endorsed Structure Plan for any specific area referred to in Schedule 3 shall form part of the Scheme, and future subdivision within any such specific area shall generally be in accordance with such Subdivisional Guide Plan.

5.38 Rural Conservation Zone

5.38.1 Policies

5.38.1.1 The local government Policies in controlling development and influencing subdivision within the Rural Conservation zone will therefore be to—

- (i) consider approving low-impact development where the applicant suitably demonstrates the development/use is consistent with the objectives for the zone;
- (ii) the existence of a second dwelling house is not to be construed as support or justification for the subdivision of the land under the *Planning and Development Act 2005* or the *Strata Titles Act 1988*; and
- (iii) there is a general presumption against subdivision and the local government will generally not support the creation of lots below 40ha and may support subdivision only if the land is capable and suitable for the proposed purpose. Should more intensive development and subdivision be proposed, it will be subject to a scheme amendment, which needs to be appropriately justified by the proponent.

5.38.1.2 Development of a mix of rural, tourist and recreational opportunities will be encouraged where—

- (i) The rural use does not have detrimental impacts on existing vegetation and landscape values other than for the approved development envelope and services, or

- (ii) The development is for tourist or recreational uses for low-key development which is considered “Low Impact Development, Low Impact Tourist Accommodation—Short Stay and Low Impact Recreation Facilities”.
- (iii) The development is subject to the owner entering into an agreement for—
 - (a) Rehabilitation of the land or retention of the vegetation other than for the approved development envelope and services;
 - (b) Contained management of the land to guarantee the maintenance of conservation and landscape values in perpetuity; and
 - (c) An absolute caveat on the title of the lot to secure performance of the agreement in perpetuity.

5.38.2 Subdivision and Development Standards

5.38.2.1 For the purposes of guiding subdivision and development in specific Rural Conservation zone, the provisions set out in Schedule 4 (where different to Scheme Provisions) shall apply to the specified zones. Future subdivision and development will be required to generally accord with an endorsed Structure Plan prepared for the specified area referred to in Schedule 4 and such a plan of subdivision shall form part of the Scheme.

5.38.2.2 The endorsed Structure Plan will be required to address fire management, flora and fauna assessment, landscape assessment, weed and pest management, conservation covenant provisions and any other relevant matter determined by the local government as a pre-requisite to any subdivision or development of land.

5.38.3 Development Standards

5.38.3.1 The local government may permit a caretaker’s dwelling or ancillary accommodation if appropriately justified by the applicant and addresses relevant planning consideration. This will not provide a basis for subdivision.

5.38.3.2 The local government may permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling, or otherwise complies with the Residential Design Codes or the local government’s Local Planning Policy.

5.38.3.3 Development for non-residential uses in the opinion of the local government will not be granted planning approval on any lot within the Rural Conservation zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal.

5.38.3.4 Unless otherwise provided for in the endorsed Structure Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of—

- (a) from a road boundary: 20m
- (b) from other boundaries: 10m
- (c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land: 100m

5.38.3.5 In the case where a lot has more than one street frontage, the local government may at its discretion permit the construction of buildings nearer to the secondary street frontage nominated by the local government, but not nearer than 10m to that street or streets where there is no endorsed building envelope or building exclusion area.

5.38.3.6 All development should be designed and located as to be compatible with and complementary to the visual landscape, in particular it should not be sited on exposed dunes or in visually conspicuous positions.

5.38.3.7 All development and associated waste/effluent disposal systems are to have adequate setback from watercourses in order to protect the sensitive environment of the area.

5.38.3.8 No more than one single dwelling may be developed on a lot, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use.

5.38.3.9 Development of Land Abutting Coast or Watercourses

For any development other than a single residential dwelling and uses associated with an established or proposed agricultural use on land abutting the coastline or unallocated Crown land that itself abuts the coast, a site-specific Structure Plan is to be prepared to the satisfaction of the local government, addressing (but not limited to) the following issues—

- (i) Setbacks for development;
- (ii) Landform and vegetation protection measures;
- (iii) Access Points;
- (iv) Vehicle movement control;
- (v) Fencing;
- (vi) Fire management; and
- (vii) Visual amenity

5.38.3.10 Low-Impact Tourist Accommodation—Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more than 20 persons or equivalent accommodation types (including bed and breakfast facilities). Strata title subdivision for any such development will not be supported.

5.38.4 Subdivision Standards

5.38.4.1 There is a general presumption against subdivision with the local government typically not supporting the creation of lots below 40ha and only where considered suitable and capable.

5.38.4.2 The local government's guidelines in assessing referrals from the Western Australian Planning Commission for subdivision of land within the zone will be—

- (i) Where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40ha; including a minimum area of high capability (class 1 or 2) land of 30ha, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agriculture productivity on those properties.
- (ii) Where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80ha.
- (iii) Where an agricultural trade lot is proposed a minimum lot size of 40ha is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme.

5.38.4.3 Subdivision will only be supported where there is no detrimental impact on the aesthetic conservation of ecological values of the land, and where retention of these values of the land in perpetuity will be achieved.

5.38.4.4 Subdivision will not be supported until such time as the coastal strip or land abutting the watercourse of unallocated Crown Land has been vested in and managed by an appropriate body.

5.38.4.5 The local government and WAPC will not consider subdivision until such time as the applicant can demonstrate that a conservation covenant (or other suitable mechanism) has been agreed to by an appropriate covenanting agency and can and will be entered into as a condition of subdivision. The covenant is to ensure rehabilitation of the land or retention of vegetation other than for the approved development envelope and services and continued management of the land to guarantee the maintenance of conservation and landscape values in perpetuity.

5.38.4.6 Minimum lot sizes will be consistent with the intended function of the land for either conservation and/or coastal access purposes, as set out in the Augusta—Walpole Coastal Strategy and the Warren Blackwood Rural Strategy.

5.38.4.7 Where lots abut the coast or watercourse, a foreshore reserve will be required to be ceded free of cost to the Crown. The width of the reserve will be determined by site analysis, and will be compliant with Development Control Policy 2.3 "Public Open Space in Residential Areas".

5.38.4.8 No further subdivision other than that presented in the endorsed Structure Plan will be supported.

5.39 Bushland Protection Zone

5.39.1 Policies

Prior to the local government considering the inclusion of land within the Bushland Protection zone, the proponent shall provide the following to the satisfaction of the local government—

- (i) An endorsed Structure Plan, which is to be incorporated into the rezoning document, that addresses the following—
 - (a) For lots less than 80ha with at least 40ha of remnant vegetation, subdivision to create one additional lot;
 - (b) For lots 80ha and greater, subdivision based on a ratio of one additional lot per 20ha of remnant vegetation protected in perpetuity to a maximum of 3 lots in total;
 - (c) The minimum area of a bushland protection lot shall be sufficient to accommodate a dwelling and associated outbuildings, land required for onsite fire protection, and a suitable area of remnant vegetation to which an appropriate agency, in the opinion of the local government, is prepared to apply a conservation covenant;
 - (d) Subdivision design is to maximise the amount of remnant vegetation on the subject land that is contained within the proposed bushland protection lots.
 - (e) Where a balance agriculture lot is proposed it shall meet the subdivision criteria applicable to the land's current zoning. This agricultural lot does not need to be considered a lot for the purpose of calculating the lot yield under (b) above;
 - (f) Building envelopes which shall be—
 - clustered, where possible, to reduce the overall development and fire management footprint on the bushland;
 - located so as not to have a detrimental impact on the landscape value of the locality;
 - a maximum of 1500m² or, at the discretion of the local government, may be larger to accommodate an existing dwelling and associated outbuilding(s) or where it can be demonstrated that a larger building envelope would have no greater impact on the bushland;
 - located, in cleared areas, or where this is not possible, located so as to maximise remnant vegetation preservation and ensure that there is no impact on any poorly represented vegetation and rare flora or fauna; and
 - located to ensure no adverse impact on watercourses, wetlands, estuaries or any other area or feature of environmental significance on the subject land or adjoining land.
 - (g) The extent, type and quality of remnant vegetation and any rare flora based on a comprehensive flora survey and any rare fauna habitats based on a fauna survey;

- (h) The extent of any watercourses and wetlands;
 - (i) The extent of vehicular accessways, fire breaks, fire hazard separation and building protection zones and any other required fire management measure; and
 - (j) The need for adequate fencing to protect areas of significant vegetation and/or to separate bushland and any cleared agricultural land.
- (ii) Demonstrate to the satisfaction of the local government that the proposed bushland protection lots are—
- within 15km of the Town Centre zone applicable to either the Manjimup, Pemberton, Northcliffe or Walpole townsites; and
 - have appropriate legal and practical road access.
- Consideration may be given to bushland protection lots outside of the 15km limit where in the view of the local government, Western Australian Planning Commission and covenanting agency—
- the quantity and quality of bushland to be protected is of the highest significance;
 - protection of the bushland can not be achieved through any other reasonable mechanism;
 - will result in a significant and long term environmental benefit; and
 - will not adversely prejudice any other planning considerations.
- (iii) A comprehensive rare and endangered flora and fauna survey.
- (iv) A fire management plan prepared in accordance with the relevant state and local government fire protection policies to the satisfaction of the local government and the Fire and Emergency Service Authority. Consultation will also be required with the Department of Environment and Conservation where the subject land abuts a State Forest or National Park or other land managed by the Department of Environment and Conservation;
- (v) Written confirmation from a recognised conservation covenanting agency, such as the Department of Environment and Conservation or National Trust, that—
- (a) the comprehensive flora and fauna survey and fire management plan has been prepared to its satisfaction;
 - (b) a weed and pest management plan has or will be prepared, where applicable, to its satisfaction;
 - (c) the proposed Structure Plan is supported; and
 - (d) the bushland has sufficient conservation, biodiversity and landscape values to warrant its inclusion in the Bushland Protection zone and they would be prepared to accept the proposed bushland protection lots into their covenanting programme.

5.39.2 Subdivision and Development Standards

5.39.2.1 Subdivision Standards

Subdivision will only be supported where—

- (i) The land has been included in the Bushland Protection zone;
- (ii) Generally consistent with a Structure Plan that has been endorsed by the local government and the Western Australian Planning Commission;
- (iii) No further subdivision of existing bushland protection lots created within the Bushland Protection are proposed; and
- (iv) The local government recommends subdivision conditions to the Western Australian Planning Commission including, but not limited to—
 - (a) all bushland protection lots being subject to a conservation covenant with the covenanting agency that previously agreed to covenant the lots at the rezoning stage;
 - (b) implementation of the fire management plan; and
 - (c) implementation of weed and pest management plans, where applicable.

5.39.2.2 Development Standards—

- (i) Only one dwelling will be permitted per lot in the Bushland Protection zone.
- (ii) Notwithstanding any other provision of the Scheme, an application for planning approval is required for a dwelling in the Bushland Protection zone.
- (iii) All development shall be contained within the designated building envelope on the endorsed Structure Plan.
- (iv) “Agriculture—extensive” and “agriculture—intensive” uses may be undertaken, on cleared areas of a lot with the approval of the local government, and subject to the local government being satisfied that adequate buffers and protections are established to ensure that there will be no adverse impacts on the bushland resulting from the agricultural activity.
- (v) No remnant vegetation shall be felled, removed, damaged or grazed except for—
 - (a) clearing associated with approved development within the endorsed building envelope;
 - (b) maintenance of firebreaks, building protection zones or hazard separation zones as identified in the endorsed fire management plan and/or endorsed Structure Plan;
 - (c) establishment and maintenance of approved accessways to approved buildings;
 - (d) removal of dangerous vegetation with the written consent of local government; and
- (vi) No wetland shall be cleared, drained, filled or grazed.

5.40 Industry Zone

5.40.1 Policies

The local government policies in controlling development and influencing subdivision within the Industry zone will be to—

- (i) permit establishment of uses which can be shown to achieve the objectives of contributing to the economy of the district and provide conveniently located services to the district;
- (ii) permit retail uses from premises with a primary industrial or wholesale function, or which would be inappropriately located in other zones;
- (iii) require that standards of development and maintenance of industrial uses are consistent with the overall amenity of the district, including to restrict wherever possible adverse impacts within the Industrial zone.

5.40.2 Subdivision and Development Standards

5.40.2.1 Site Requirements

Development in the Industry zone shall conform to the following standards—

Min Lot Area (m ²)	Max Plot Ratio	Min Frontage (m)	Minimum Setbacks (m)		
			Front	Side	Rear
2000	0.5 : 1	25	10	5 or nil on one side	Nil

5.40.2.2 In considering planning applications within the Industry zone, the local government shall have regard for the—

- (i) compatibility of the proposed uses with other surrounding uses;
- (ii) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes;
- (iii) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use;
- (iv) availability of services; and
- (v) the appearance of the proposed land use and/or development from the street(s).

5.40.2.3 Notwithstanding any provision of the Building Code of Australia the local government may, if it considers the proposal appropriate, approve buildings which abut one side boundary, provided vehicular access to the rear of the lot is maintained.

5.40.2.4 Where a use in the Industry zone is defined as a “Prescribed Premises” in the Regulations to the *Environmental Protection Act 1987* (as amended) or an Offensive Trade under the *Health Act 1911* (as amended), the local government shall advertise the proposal as set out in Clause 9.6 and may notify the Environmental Protection Authority and/or the Department of Health and seek comment or advice before considering the matter in the light of such comment or advice.

5.40.2.5 Conditions of Planning Consent

In considering planning consent to development in the Industry zone, the local government, in order to achieve satisfactory standards of amenity and appearance, may impose conditions relating to—

- (i) building materials;
- (ii) appearance of buildings;
- (iii) landscaping;
- (iv) fencing;
- (v) location of storage areas;
- (vi) signage;
- (vii) on-site traffic circulation;
- (viii) other matters considered appropriate by the local government.

5.40.2.6 Use of Setback Area

The front setback area of a lot shall be used only for the following purposes—

- (i) car parking;
- (ii) access;
- (iii) landscaping;
- (iv) trade displays.

Storage of materials, other than for temporary periods approved by the local government, will not be permitted in the front setback area.

5.40.2.7 Variation to Setbacks

Where a lot has frontage to more than one street, the local government will determine to which street frontage the setback requirements of Clause 5.39.2.1 will apply, and will permit a variation of that Clause, but a reduced setback to a street frontage shall not be less than 5m.

5.40.2.8 Landscaping

Landscaping, to the satisfaction of the local government in accordance with clause 5.13, will be a requirement of planning consent and shall be established and maintained to the satisfaction of the local government.

5.40.2.9 Car Parking

Provision of car parking shall be in accordance with the requirements of Tables 2 and 3 of the Scheme.

5.40.3 Factory Unit Development

Land in the Industry zone may be used for a Factory Unit development, provided that—

- (i) there is no more than one occupancy for each factory unit unless it can achieve a suitable fire rating in accordance with the Building Code of Australia to the satisfaction of the local government;
- (ii) factory units are separated from each other by an internal wall or walls constructed of brick, stone or concrete in accordance with the Building Code of Australia which shall not be altered, moved or removed without the consent of the local government; and Policies
- (iii) no industrial unit is used for machinery or automotive wrecking or for the sale of motor vehicles or caravans.

5.41 Tourist Enterprise Zone

5.41.1 Policies

The local government's policies in controlling development and influencing subdivision within the Tourist Enterprise zone will be to—

- (i) advise proponents of large scale tourist developments that they will be required to be responsible for the cost of upgrading roads and other infrastructure to maintain public safety and amenity and to ensure existing land uses are not detrimentally impacted with respect to access and safety for existing land use;
- (ii) ensure large scale developments are located in close proximity to existing towns in strategically identified locations;
- (iii) maintain a presumption against permanent residents (except for the owner/manager/caretaker) in rural areas and non-urban locations; and
- (iv) require development to be consistent with the policy for Tourist Uses in Rural Areas.

5.41.2 Subdivision and Development Standards

5.41.2.1 Subdivision Standards

- (i) There is a general presumption against the subdivision of vacant land.
- (ii) Subdivision or strata subdivision will only be considered within townsites or within 2km of townsites; except where an existing strata scheme is in place or where, in the opinion of the Local government and the Western Australian Planning Commission (where relevant) that the subdivision or strata titling of the tourist enterprise will not diminish the ability of this use to be managed and operated as an integrated tourist facility.

5.41.2.2 Development Standards

- (i) Unless otherwise permitted in Schedule 5 development within the Tourist Enterprise zone shall be in accordance with the provisions of the Building Code of Australia and the relevant policy.
- (ii) Residential units, chalets, caravans, camps or any other form of tourist accommodation shall only be occupied for short-stay purposes unless otherwise approved by the local government for management purposes with the exception that the local government may approve the use of a small number of accommodation units of the tourist facility for use by the operator's staff for residential accommodation.
- (iii) Notwithstanding the provisions of Sub-Clause 5.41.2.2(ii), the local government may permit the permanent occupancy of not more than 15% of caravan sites within a caravan park registered under the Local Government Model Bylaws (Caravan Parks and Camping Grounds) No. 2, unless otherwise specified by the local government and subject to any condition the local government deems appropriate where—
 - (a) proposals are consistent with the adopted Local Planning Strategy; and
 - (b) proposals address relevant environmental considerations.
- (iv) Applicants are required to appropriately address such matters as servicing, environmental impact, land use compatibility, visual assessment and other relevant matters as determined by the local government.
- (v) Low-Impact Tourist Accommodation—Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more than 20 persons or equivalent accommodation types (including bed and breakfast facilities). Strata title subdivision for any such development will not be supported.
- (vi) In the case of development within the Tourist Enterprise zone, the local government shall have regard to the following standards—
 - (a) Within Townsites—
 - i. Car parking shall be calculated on the proposed uses in accordance with the provisions of the Scheme or as determined by the local government.
 - ii. All development criteria shall be in accordance with the provisions of the Scheme for a proposed use or as determined by the local government.

(b) Outside Townsites—

- i. Access roads to the proposed site are, in the opinion of the local government, satisfactory for traffic, which may be anticipated as a result of that use.
- ii. An adequate water supply of a satisfactory standard can be installed, and that satisfactory methods of effluent disposal can be implemented.
- iii. The site contains adequate tree cover so as to ensure screening and privacy, or in the absence of adequate tree cover, that a planting and maintenance programme of approved tree types be undertaken.
- iv. The site is so located as to ensure that no pollution or detrimental effect is anticipated which affects the district's stream system or water resources. (The applicant will need to suitably justify the development in terms of how water, drainage and effluent disposal will be managed.)
- v. The site and location of development within the site has sufficient setback and physical features to ensure there are acceptable levels of nuisance to prevent conflict between the agricultural and tourist use.
- vi. The development is sited and managed to ensure that the tourist use does not cause nuisance or pollution or adversely affect the amenity of adjacent freehold land and State forests, national parks, nature reserve and other conservation value areas.

(c) In rural areas—

- i. Development is consistent with the local government's policy for Tourist Uses in Rural Areas unless appropriately justified by the applicant.
- ii. A Fire Management Plan must be prepared and implemented to the local government's specifications and satisfaction.
- iii. Development should be generally "Low impact development" in nature maintaining the rural and/or forest landscape predominant and surrounding the site and must minimise the visual impact from roads and accessible tourist lookouts.
- iv. Building design and construction should be sympathetic with the locality's character, climate and it is appropriate for the site and its features and attributes in the opinion of the local government.

5.41.3 Holiday Accommodation

In considering the granting of Planning Consent for development of Holiday Accommodation, the local government will require that the proposal conform in all respects with the requirements of the relevant legislation.

5.41.4 Structure Plan

Prior to development or subdivision occurring in a Tourist Enterprise zone, a Structure Plan (as deemed appropriate by the local government) shall be approved by the local government and the Western Australian Planning Commission

5.42 Special Use Zone**5.42.1 Policies**

The local government policies in controlling development and influencing subdivision within the Special Use zone will be to—

- (i) zone land to provide for special uses that do not readily fall within the zone categories of the Scheme ;
- (ii) require preparation of a Structure Plan for adoption by the local government for developments which consist of multiple uses;
- (iii) ensure that new development/subdivision proposals reflect the settlement strategy in the adopted Local Planning Strategy; and
- (iv) ensure that large scale developments are located in close proximity to existing towns in strategically identified locations.

Development in the Zone

Land uses, subdivision and conditions of development and use will be in accordance with an endorsed Structure Plan including relevant documentation adopted by the local government and identified in Schedule 6 of the Scheme.

5.42.2 Subdivision and Development Standards

- (i) There is a general presumption against subdivision unless provided for in an adopted Structure Plan and then only in accordance with that Plan.
- (ii) There is a general presumption against subdivision outside townsites unless consistent with an endorsed Structure Plan.

5.43 Enterprise Zone**5.43.1 Policies**

The local government policies in controlling development and influencing subdivision within the Enterprise zone will be to—

- (i) require an endorsed Structure Plan to support any proposed development or subdivision and any variation is subject to the local government approval;

- (ii) accept historical land uses but intensification of use will only be supported where all issues have been addressed to the satisfaction of the local government.

5.43.2 Subdivision and Development Standards

- (i) There is a general presumption against subdivision unless provided for in an adopted Structure Plan and then only in accordance with that Plan.
- (ii) There is a general presumption against subdivision outside townsites unless consistent with an approved Structure Plan.

5.44 Clubs and Institutions Zone

5.44.1 Policies

Where the subdivision and/or development complements or enhances a community purpose, the local government will assess any proposal on its merits subject to addressing issues including servicing, environmental impact, land use compatibility, visual impact and other relevant matters identified by the local government.

5.44.1 1 Site and Development Standards

- (i) Development standards regarding lot sizes, setback and other on-site standards will be assessed on a case-by-case basis.
- (ii) Buildings must comply with the relevant standards and provisions for public buildings.
- (iii) In considering development applications within this zone, the local government shall be guided by the height and boundary setback of buildings in the adjoining areas and the amenity provisions of Clause 5.12 and parking provisions of Clause 5.16 of the Scheme.

5.45 Caravan Park Zone

5.45.1 Development of caravan parks must also comply with the provisions of the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*.

5.45.2 The strata titling of caravan parks is not permitted under the *Caravan Parks and Camping Grounds Act 1995* and the *Strata Titles Act 1985*. Freehold subdivision of caravan parks is inconsistent with the objectives of this zone and will not be supported.

5.45.3 Rezoning proposals and applications for development are to include details of the proposed mix of short and long-term accommodation for such parks to assist the Commission and the local government in assessing caravan park proposals.

5.45.4 No provision in the Scheme shall be taken to prohibit the erection of a caretaker's residence or a dwelling house, but not both on the land comprising a caravan park.

5.45.5 Provision may be made within a caravan park for the sale of motor spirits and other petroleum products, subject to the developer first obtaining the approval of the local government, the Mines Department and any other public authority required to be notified of the proposal to carry on such sales from the land. Any such facility shall not include motor repair facilities nor provide for sale of motor accessories.

5.45.6 The local government when considering whether or not to approve the development of a caravan park, shall give particular consideration to arrangements provided for the treatment and disposal of sewerage and other liquid waste which, for the purpose of this clause, shall mean connection to a comprehensive reticulated sewerage scheme unless the applicant can demonstrate to the satisfaction of the local government that an alternative arrangement will function satisfactorily and will involve no more risk of causing any nuisance or offence whatsoever or injury or danger to health than would be involved in a comprehensive reticulated sewerage scheme.

5.45.7 The local government may require that landscape buffers be provided between land within a Caravan Park Zone and any adjoining land and the local government may specify the landscaping to be provided therein. Any such landscaped buffer shall be sited on the land upon which the caravan park is to be developed and shall be maintained to the satisfaction of the local government.

5.45.8 The local government shall not give approval to commence the development of a caravan park unless it is satisfied that the location of the caravan park will not adversely affect the amenity of the surrounding locality, and that the development proposal includes sufficient facilities both within the caravan park and within the general locality adequately to serve the needs of the users of the caravan park.

5.46 Future Development Zone

5.46.1 Development and subdivision proposals, other than the erection of a single dwelling or minor change in the use of the land in the opinion of the local government, will not be considered by the local government until a Structure Plan has been prepared and adopted pursuant to Part 6 of the Scheme.

PART 6—SPECIAL CONTROL AREAS AND DEVELOPMENT INVESTIGATION AREAS

Division A—Special Control Areas

6.1 Operation of Special Control Areas

6.1.1 The following Development Control and Structure Plan Special Control Areas are shown on the Scheme Maps—

Special Control Areas—Development Control

- (i) Lefroy Brook Catchment Area—(SCA 1);
- (ii) Manjimup Dam Catchment Area—(SCA 2);

- (iii) Manjimup Phillips Creek Catchment Area—(SCA 3);
- (iv) Quinninup/Karri Lake Catchment Area—(SCA 4);
- (v) Walpole Weir Catchment Area—(SCA 5);
- (vi) Butlers Creek Dam Catchment Area—(SCA 6);
- (vii) Northcliffe Catchment Area—(SCA 7); and
- (viii) Airstrip Obstacle Limitation—(SCA 8)

Special Control Areas—Structure Plans

- (ix) Structure Plan Area—(SCA 9) (See Schedule 11—Division B)

Special Control Areas—Lake Muir Consultation Area

- (x) Lake Muir Consultation Area (SCA 10) (See Schedule 11—Division C)

6.1.2 The Special Control Area Scheme provisions apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.1.3 The general purpose of the Special Control Area in each case, is to guide development and subdivision in an orderly manner—

- (i) where provisions apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of the Scheme;
- (ii) in accordance with and consistent with the limitations of existing infrastructure;
- (iii) to support the natural resource management provisions of this Scheme;
- (iv) to support the general land use allocations indicated in the local government's policies for each area;
- (v) to address public health and safety requirements; and
- (vi) in relation to Structure Plan areas, to provide for the prerequisite preparation of structure plans to guide future subdivision and development in a given locality for a specific use(s).

6.1.4 The local government may prepare a Local Planning Policy and/or Plan for all or part of each Special Control Area—Development Control and development shall be in accordance with this Policy and/or the Plan as well as relevant Scheme provisions.

6.1.5 Notwithstanding any other provisions of the Scheme, and in particular the provisions of clause 8.4—Permitted Development; development is prohibited on land within any of the Special Control Areas referred to in clause 6.1.1 and shown on the Scheme map without the prior approval of the local government

6.1.6 Prior to considering an application for planning approval in Special Control Areas—Development Control, the local government may require the preparation and approval of a Structure Plan for any use or development.

6.1.7 An application for planning approval will, where appropriate, be referred to the servicing agencies to establish the need for, or adequacy of infrastructure to satisfactorily service the development.

6.1.8 Prior to considering an application for planning approval in a Special Control Area—Structure Plan, the local government will require the preparation, adoption and approval of a structure plan in accordance with section 6.4. unless, in its opinion, a waiver of the requirement is justified in accordance with the provisions of clause 6.4.3.4.

Notes: The designation of particular parts of the district within a Special Control Area should not be interpreted to imply that areas outside that designated areas have none of the risks, hazards or values specifically ascribed to land within the designated areas.

6.2 Water Catchment Special Control Areas (SCA 1 to 7, inclusive)

6.2.1 Purpose

The objective of the “Water Catchment” Special Control Area is to ensure that land use and development within the Special Control Area is compatible with the protection and long-term management of water resources for public water supply and water catchment areas designated under the *Country Areas Water Supply Act 1947*.

6.2.2 Referral of Applications

The local government is required to refer any development application which involves the following activities, to the DoW for advice prior to determination of the application—

- (i) Potential for increased nutrient loading, in particular point of source for nutrients, eg poultry farm, piggery;
- (ii) Application of fertilisers and pesticides;
- (iii) Storage of chemicals, fuels and other potentially polluting substances;
- (iv) Substantial increase in run-off; and
- (v) Any other impact which the local government considers could have an impact on the quality of public drinking water.

6.2.3 Relevant Considerations

6.2.3.1 In determining land uses and development proposals within Special Control Areas, the local government will have due regard to relevant State Government policies and the most recent DoW Land Use Compatibility Tables for Public Drinking Water Supply Areas.

6.2.3.2 Notwithstanding, the permissibility of land uses in the Zoning Table, the following uses are not permitted within the Special Control Area—

- (i) Abattoir;
- (ii) Piggery;
- (iii) Power Station;
- (iv) Fish Processing;
- (v) Tannery; and
- (vi) Woolscouring.

6.2.3.3 In determining proposals, the local government is to have due regard to any comments or recommendations from DoW, and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. Local government should also have regard to the management direction provided by the priority classification of certain areas, noting that—

- (i) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and
- (ii) Priority 3 (P3) areas are defined to manage the risk of pollution to the water source.

6.3 Airstrip Obstacle Limitation—(SCA 8)

6.3.1 Purpose

To control land use and development within the Airstrip Obstacle Limitation Special Control Area.

6.3.2 Referral of Applications

The local government is required to refer any development application to the relevant authority controlling airport operations.

6.3.3 Relevant Considerations

6.3.3.1 All new development and structures, including towers, antennae, and any alterations to roof lines and any increase to building heights on land within the SCA; will not be permitted unless the proposed height of the development has been considered and approved by the relevant authority controlling airport operations and complies with any obstacle surface limits applied to the airstrip.

6.3.3.2 Illuminated signs, pylon signs, signs above a roof line, flashing lights on buildings or land within the SCA will not be permitted unless the proposed signs and lights have also been considered and approved by the relevant authority controlling airport operations.

6.3.3.3 The local government will examine any proposals for development on the basis of its susceptibility to amenity loss from aircraft movements and where the impact is regarded as being of minor consequence only, it will not normally interfere with proposals.

6.3.3.4 The local government will examine each proposal to determine whether or not any development or land use will interfere or adversely affect communications and aviation equipment.

6.3.3.5 The local government will generally oppose any residential development unless very exceptional circumstances can be proved to exist justifying a departure from this policy.

6.3.3.6 The local government will examine each proposal for new residential development with the impact of the Flight Path in mind and seek to secure forms of development which will minimise amenity loss from aircraft movements.

Division B—Structure Plans

6.4 Structure Plan Areas—(SCA 9)

6.4.1 Map Designation and Interpretation

Structure Plan Areas are shown on the Scheme Map as SCA9 with a number. A Schedule of these Areas is set out at Schedule 11—Division B.

For the purpose of clause 6.4 and 6.5 inclusive, unless the context otherwise requires—

“Proponent” means any owner of the land to which the Proposed Structure Plan relates which had submitted that Proposed Structure Plan.

“Proposed Structure Plan” means a Proposed Structure Plan where mentioned in other parts of the Scheme, that has been approved by both the Commission and adopted by the local government under clause 6.4.5.15.

“Structure Plan” means a structure plan where mentioned in other parts of the scheme, which may apply to either a local area or a district, which has been prepared in accordance with clause 6.4.5

6.4.2 Purpose

To identify areas requiring comprehensive structure planning prior to subdivision and development.

To coordinate subdivision, land use and development in areas requiring comprehensive planning.

6.4.3 Planning Requirements

6.4.3.1 The provisions of clause 6.4 apply to land in a Structure Plan Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme and any associated provisions contained within Schedule 11, Division B—Structure Plans.

6.4.3.2 The local government requires a Structure Plan for a Structure Area, or for any part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.

6.4.3.3 The local government may require a Structure Plan to be prepared for any land not within a Structure Plan Area where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision or development and the provisions of the foregoing clauses shall apply as relevant to the preparation of any such plan.

6.4.3.4 Notwithstanding clause 6.4.3.2, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan Area.

6.4.3.5 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule 11—Division B.

6.4.3.6 The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plans.

6.4.3.7 Schedule 11—Division B describes the Structure Plan Area in more detail and sets out the land use expectations, matters to be addressed and associated provisions for Structure Plans.

6.4.4 Preparation of Structure Plans

6.4.4.1 A Structure Plan may include plans and other documents.

6.4.4.2 A Structure Plan may with the agreement of the local government, be prepared and implemented in stages and relate to only part of a Structure Plan Area.

6.4.4.3 In considering a Proposed Structure Plan for part only of a Structure Plan Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be coordinated and the arrangements for implementation of the Structure Plan.

6.4.4.4 A Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule 11—Division B, and without limiting the generality of the foregoing, may include the following details—

- (i) The area to which the Proposed Structure Plan applies;
- (ii) A statement of the vision of the land;
- (iii) A concise history and present use of the land and all current approvals applicable to the land but not substantially commenced or implemented;
- (iv) Identification of any sites of indigenous or non-indigenous areas of historical significance and how these sites are to be managed;
- (v) The planning context for the Structure Plan Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
- (vi) Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the land, landforms, topography, hydrology, landscape, vegetation, soil type and quality, conservation and heritage values, ownership, existing land uses, roads and public transport and services;
- (vii) An environmental assessment of the land and any impacts the proposals shown on the Proposed Structure Plan will have on the environmental values of the land, and the ways in which those impacts will be managed;
- (viii) Identification and mapping of any remnant native vegetation, and resident flora and fauna, together with a report as to the status of any species under State and Commonwealth threatened species lists;
- (ix) Identification of any natural or built dam, soak, wetland, watercourse and drainage channel including dimensions, capacity and flows of such water bodies where relevant;
- (x) How the Proposed Structure Plan will satisfy the relevant State and local strategic and statutory planning instruments applicable to the Structure Plan Area including, but not limited to, State Planning Strategy, State Planning Policies, regional planning strategies, Planning Precinct Statements and local planning policies (as amended from time to time);
- (xi) The proposed major land uses including, where relevant, residential areas and their densities, new neighbourhood centres, public and open space, school sites, civic and community uses, commercial uses (including location and hierarchy of commercial centres) and industrial uses;
- (xii) Provision for major infrastructure, including main drainage, storm water management (quantity and quality), waste water disposal, water supply, electricity provision and other key infrastructure services;
- (xiii) Where significant physical features, such as watercourses, require conservation or enhancement and the manner in which that is to be achieved;
- (xiv) Any land or waters likely to be contaminated and measures to be taken to ensure remediation of these sites;
- (xv) The proposed indicative lot pattern and general location of any major buildings;

- (xvi) Estimates of future lots, dwellings, population, employment and retail floor space;
- (xvii) The proposed road network and hierarchy, traffic volumes and management, vehicular access and parking, public transport services (where relevant), and bicycle and pedestrian networks;
- (xviii) The timeframe and staging of subdivision and development, and the method of implementation, including any proposed developer contributions; and
- (xix) Such other information as may be required by the local government.

6.4.5 Adoption and Approval of Structure Plans

6.4.5.1 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan shall be submitted to the local government.

6.4.5.2 Upon receiving a Proposed Structure Plan, the local government shall either—

- (i) Determine that the Proposed Structure Plan is satisfactory for advertising;
- (ii) Determine that the Proposed Structure Plan should not be advertised until further details have been provided or modifications undertaken; or
- (iii) The Proposed Structure Plan is not satisfactory for advertising, giving reasons to the Proponent.

6.4.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 6.4.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

- 6.4.5.4
- (i) Where the Proponent is aggrieved by determination of the local government made or deemed to have been made under clauses 6.4.5.2 or 6.4.5.3, the Proponent may request the local government, by notice in writing, to forward the Proposed Structure Plan to the Commission.
 - (ii) Within 21 days of receiving notice from the Proponent under clause 6.4.5.4(i) the local government shall forward to the Commission—
 - (a) A copy of the Proposed Structure Plan
 - (b) Details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
 - (c) Any other information the local government considers relevant to the Commission's considerations of the Proposed Structure Plan for advertising.
 - (iii) Upon receiving a Proposed Structure Plan in accordance with clause 6.4.5.4(ii), the Commission is to make one of the determinations referred to in clause 6.4.5.2 and advise the local government and the Proponent accordingly.
 - (iv) If the Commission requires modifications to the Proposed Structure Plan, the Commission shall consult with the local government prior to making its determination under sub-clause 6.4.5.4(iii);
 - (v) If within 60 days of receiving a Proposed Structure Plan under clause 6.4.5.4(ii), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6.4.5.2, the Commission shall be deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

6.4.5.5 Where the local government, or the Commission, has determined that the Proposed Structure Plan may be advertised, the local government shall—

- (i) Advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 9.6 of the scheme; and
- (ii) Give notice, or require the Proponent to give notice in writing to—
 - (a) all landowners affected by the Proposed Structure Plan; and
 - (b) such public authorities and other persons as the local government nominates,
 - (c) with advertisements and notices explaining the scope of the Proposed Structure Plan, when and where it may be inspected, and inviting submissions to the local government by a specified date not being less than 21 days from the date of the notice and advertisement with advertising costs to be borne by the Proponent.

6.4.5.6 Within 14 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government shall forward a copy of the Proposed Structure Plan to the Commission for its information.

6.4.5.7 The local government shall consider all submissions received and within 60 days of the latest date specified in the notice under clause 6.4.5.5 shall either—

- (i) adopt the Proposed Structure Plan with or without modifications; or
- (ii) refuse to adopt the Proposed Structure Plan giving reasons to the Proponent.

6.4.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, one of the determinations referred to in clause 6.4.5.7 has not been made, the local government is deemed to have refused to adopt the Proposed Structure Plan.

6.4.5.9 Within 21 days of a determination made, or deemed to have been made under Clauses 6.4.5.7 or 6.4.5.8, the local government shall forward to the Commission—

- (i) a summary of all submissions and comments received within the advertised period in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to the submissions;
- (ii) the local government's recommendation to the Commission that the Proposed Structure Plan either be approved, approved with modifications or refused; and
- (iii) any other information the local government considers relevant to the Commission's considerations of the Proposed Structure Plan.

6.4.5.10 On the receipt of the information described in clause 6.4.5.9, the Commission shall either—

- (i) approve the Proposed Structure Plan with or without modifications; or
- (ii) Refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.

6.4.5.11 If within 60 days of receiving the information referred to in clause 6.4.5.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations under clause 6.4.5.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.

6.4.5.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.

6.4.5.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission shall consult the local government prior to approval of the Proposed Structure Plan under clause 6.4.5.10.

6.4.5.14 If, following consultation with the Commission, the local government forms the opinion that any modification to the Proposed Structure Plan is substantial, it may—

- (i) re-advertise the Proposed Structure Plan; or
- (ii) require the Proponent to re-advertise the Proposed Structure Plan,

and thereafter, the procedures set out in clause 6.4.5.5 onwards apply.

6.4.5.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government shall adopt the Proposed Structure Plan and forward a copy of the adopted Structure Plan to;

- (i) the Proponent;
- (ii) the Commission; and
- (iii) any other appropriate person or public authority likely to be affected or have an interest.

6.4.5.16 An adopted Structure Plan shall be kept at the local government's administrative offices, and shall be made available for inspection by any member of the public during normal office hours.

6.4.6 Change to, or Departure from Structure Plans

6.4.6.1 The local government may accept a minor change to, or departure from an adopted Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

- 6.4.6.2
- (i) The local government shall forward a copy of the minor change or departure to the Commission within 14 days of the date of adopting the minor change or departure.
 - (ii) If the Commission considers that the change or departure adopted by the local government under clause 6.4.6.1 materially alters the intent of the Structure Plan, then the Commission—
 - (a) may require the local government to follow the procedures set out in clause 6.4.5.5 onwards in relation to the change or departure; and
 - (b) shall notify the local government of this requirement within 14 days.

6.4.6.3 Any change to, or departure from a Structure Plan that is not within clause 6.4.6.1 is to follow the procedures set out in clause 6.4.5 onwards.

6.4.7 Operation of Structure Plan

6.4.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 6.4.5.15.

6.4.7.2 If a Structure Plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes, then—

- (i) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (ii) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.

6.4.7.3 Without limiting the generality of clause 6.4.7.2, under a Structure Plan—

- (i) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;
- (ii) the standards and requirements applicable to the zones and Residential Design Codes under the Scheme apply to the areas having corresponding designations under the Structure Plan;

(iii) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and

(iv) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

6.4.7.4 A Structure Plan, adopted and approved under the Scheme, will be used by the local government as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under and by the Commission as a guide for the assessment of subdivision applications.

6.4.8 Right of Review

6.4.8.1 The Proponent may seek a review, in accordance with Part 14 of the *Planning and Development Act 2005*; any—

- (i) determination or decision made by the Commission;
- (ii) requirement imposed by or modification sought by the Commission; or
- (iii) determinations deemed to have been made by the Commission under clause 6.4.5.4(v) or 6.4.5.11,

in the exercise of the Commission's power under clause 6.4.

6.4.8.2 The Proponent may seek a review, in accordance with Part 14 of the *Planning and Development Act 2005*, any decision made by the local government under clause 6.4.5 and 6.4.6.

6.4.9 Transitional Provisions—Structure Plans

6.4.9.1 Structure Plans prepared, adopted and in operation under the previous revoked Shire of Manjimup Town Planning Scheme No. 2 shall continue in operation under the Scheme and shall be applied to the relevant land as if they were prepared, adopted and approved pursuant to the provisions of the Scheme.

6.4.9.2 Endorsed Structure Plans, or such similar plans as determined by the local government, prepared and adopted for the purpose of guiding the subdivision and development of land under the revoked Shire of Manjimup Town Planning Scheme No. 2, with continued relevance for the purpose of implementing this Scheme, shall continue to have force and effect. For the purpose of this clause, a previous local government endorsed "Plan of Subdivision" shall be considered as a Structure Plan.

Division C—Development Investigation Areas

6.5 Development Investigation Areas

6.5.1 Map Designation

Development Investigation Areas are shown on the Scheme Map as DIA with a number.

6.5.2 Purpose—

- (i) To identify areas requiring comprehensive environmental and servicing assessment and rezoning prior to, or currently with, structure planning and prior to subdivision and development.
- (ii) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

6.5.3 Rezoning and Structure Planning Requirements

6.5.3.1 Development Investigation Areas require rezoning prior to approval of Proposed Structure Plans. The rezoning proposal is to include a full evaluation and assessment, including any necessary environmental assessment. This is to determine if the areas are suitable and capable of supporting the land use expectations and matters to be addressed as set out in Schedule 19.

6.5.3.2 Inclusion of any land within a Development Investigation Area should not be interpreted to imply that the land is suitable for development, a determination of which will only be made following full evaluation and assessment of the land by means of amendment to the Scheme and the preparation and adoption of a Structure Plan.

6.5.3.3 Prior to any subdivision or development within a Development Investigation Area, a Proposed Structure Plan shall be prepared and adopted in accordance with the structure planning requirements of clause 6.4. The provisions of clause 6.4 are applicable to Development Investigation Areas in so far as they are modified by clause 6.5.3.

6.5.3.4 The provisions of clause 6.5 apply to land in a Development Investigation Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.

6.5.3.5 Notwithstanding clauses 6.5.3.1 and 6.5.3.3, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a rezoning and Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Development Investigation Area.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the local government is to—

- (i) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (ii) include on the Heritage List such entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the local government is to—

- (i) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under Clause 7.1.1 and the reasons for the proposed entry;
- (ii) invite submission on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (iii) carry out such other consultation as it thinks fit; and
- (iv) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in Clause 7.1.3.

Notes: 1. *The purpose and intent of the heritage provision are—*

(a) to facilitate the conservation of places of heritage value; and

(b) to ensure as far as possible that development occurs with due regard to heritage values.

2. *A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*

7.2 Designation of a Heritage Area

7.2.2 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a Heritage Area.

7.2.3 The local government is to—

- (i) adopt for each Heritage Area a Local Planning Policy which is to comprise—
 - (a) a map showing the boundaries of the Heritage Area;
 - (b) a record of places of heritage significance; and
 - (c) objectives and guidelines of the Heritage Area;

and

- (ii) keep a copy of the Local Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.

7.2.4 If a local government proposes to designate an area as a Heritage Area, the local government is to—

- (i) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the Heritage Area;
- (ii) advertise the proposal by—
 - (a) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (b) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (c) such other methods as the local government considers appropriate to ensure widespread notice of the proposal.

7.2.5 Notice of the proposal under Clause 7.2.3(ii) is to specify—

- (i) the area subject of the proposed designation;
- (ii) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (iii) in what form and what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.6 After the expiry of the period within which the submissions may be made, the local government is to—

- (i) review the proposed designation in the light of any submissions made; and
- (ii) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.7 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.8 The local government may modify or revoke a designation of a Heritage Area as if it were a Local Planning Policy in accordance with clause 2.5.

7.2.9 Clause 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a Heritage Area.

7.3 Heritage Agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Notes:

1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to Heritage Agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 Heritage Assessment

Despite any existing assessment on record, the local government may require a Heritage Assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a Heritage Place listed on the Heritage List.

7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

7.5.2 Where desirable to—

- (i) facilitate the conservation of a Heritage Place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under Clause 7.1; or
- (ii) enhance or preserve heritage values in a heritage area designated under Clause 7.2,

The local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in Clause 5.5.

Notes: The local government cannot however vary the zoning table and any proposed changes require a Scheme Amendment.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

Subject to clause 8.4, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence development without first having applied for and obtained a planning approval of the local government under Part 10.

Notes:

1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of the land (subject of Part 4), although it is typical that one application can address development and land use.
2. Development includes erection, placement and display of any advertisements.

8.2 Compliance with Development Standards and Requirements

8.2.1 Any development of land is to comply with the provisions of the Scheme and the Building Code of Australia.

8.2.2 For the purposes of this Scheme, “development” has the meaning as defined in the *Planning and Development Act 2005* (as amended).

8.2.3 For the purposes of this Scheme, the following activities are considered to fall within the definition of “development” as defined in the Act—

- (i) any physical alteration of land including the erection or alteration of a building or structure which would have an effect on the amenity of the locality;
- (ii) except in the Priority Agriculture and the General Agriculture zone, any excavation of land undertaken independently of the erection or alteration of a building or structure which in itself would constitute development: and
 - (a) changes the natural contours of the land by more than 0.5m;
 - (b) includes the erection or construction of a retaining wall which is greater than 0.5m in height at any point above natural ground level.
- (iii) the erection, placement and display of any advertisements and the use of land or buildings for that purpose;
- (iv) the provision of infrastructure and activities by a telecommunications carrier except for low impact facilities as defined in the Low Impact Facilities Declaration 1997;
- (v) the clearing of land requiring a permit issued by the relevant Government agency;
- (vi) the erection or construction of a screen wall within 0.9m of a boundary and which exceeds 1.8m in height above natural ground level;
- (vii) an increase in the number of dwelling units on a lot; and
- (viii) the deposit of refuse or waste materials on land.

Planning applications are therefore required unless they are exempted by Section 8.4.

8.3 Restrictive Covenants

8.3.1 Subject to Clause 8.3.2, a restrictive covenant affecting any land in the Scheme area by which, or effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

8.3.2 Where Clause 8.3.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of Clause 8.4.1, have been prohibited unless the application has been dealt with as an "A" use and has complied with all of the advertising requirements of Clause 9.6.

Notes: This will necessitate information on restrictive covenants affecting density. A copy of the title will accordingly be required to be supplied by the applicant where applications are for sites containing a restrictive covenant.

8.4 Permitted Development

Except as otherwise provided for in the Scheme, for the purposes of the Scheme, the following development does not require the planning approval of local government—

- (i) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (a) located in a place that has been entered in the register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (c) included on the Heritage List under Clause 7.1 of the Scheme; and
 - (d) located in a Heritage Area, Special Control Area or an area covered by a Local Planning Policy/Precinct Plan relating to development design or related matters, designated under the Scheme.
- (ii) the demolition of any building or structure except where the building or structure is—
 - (a) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (c) included on the Heritage List under Clause 7.1 of the Scheme; or
 - (d) located within a heritage area designated under the Scheme;
- (iii) the erection on a lot of a single house including in the opinion of the local government any extension, ancillary outbuildings, tennis courts and swimming pools, except where—
 - (a) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes or the Development Table—General;
 - (b) the development is located in a Heritage Area, Special Control Area, Bushland Protection zone or an area covered by a Local Planning Policy or Planning Precinct Statement relating to development design or related matters, designated under the Scheme;
 - (c) the proposed development comprises transportable buildings;
 - (d) the proposed development comprises a relocated second hand building or part thereof;
 - (e) outbuildings associated with a dwelling are proposed on a lot of 2ha or less and are outside a defined building envelope, building exclusion area or Scheme setbacks accepted by the local government.
 - (f) the proposed dwelling (or outbuildings) is not consistent with the building envelope, building exclusion area or Scheme setbacks;
 - (g) the proposed dwelling is to be located in a local planning policy or Planning Precinct Statement declared by the local government under the provisions of Part 2 of the Scheme, or requires planning approval as stated in an approved structure plan;
 - (h) the proposed dwelling abuts a major road reserved in the Scheme;
 - (i) the proposed dwelling is on a lot or location which does not have access to a dedicated and constructed road;
 - (j) the construction of a tennis court which involves the use of lighting for night games; and
 - (k) lots less than 350m².
- (iv) structures including sheds, outbuildings and carports in the Rural Residential, Rural Smallholdings, Priority Agriculture and General Agriculture zones which—
 - (a) meet all relevant development standards, including but not limited to setbacks;
 - (b) complies with any relevant Local Planning Policy applicable to these structures; and
 - (c) will not be inhabited overnight.

- (v) incidental structures in the Residential, Rural Residential, Rural Smallholdings, Priority Agriculture and General Agriculture zones. Incidental structures include—
- (a) a dog house, domestic animal or bird enclosure or a cubby house which—
 - does not exceed 3m in height above natural ground level; and
 - does not have any part of its structure located within 1m of the boundary with an adjoining lot;
 - (b) a tree house which—
 - as a structure, does not exceed 3m in height;
 - does not have a floor area greater than 4m²; and
 - is constructed in a tree on a lot used solely for residential purposes;
 - (c) a flag pole which does not exceed 6m in height above natural ground level;
 - (d) a satellite dish located on a lot which is not in a designated Heritage Precinct;
 - (e) any pole, tower or device used solely for the purpose of providing outdoor lighting which is—
 - constructed on a lot used solely for residential purposes; and
 - no more than 4.5m in height above natural ground level;
 - (f) any pole, tower or device used for the purpose of providing outdoor lighting which is—
 - constructed on a lot used for purposes other than residential purposes; and
 - no more than 6m in height above natural ground level;
 - (g) landscaping;
 - (h) letter boxes; and
- (vi) clothes lines;
- (vii) a home office;
- (viii) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (ix) any exempted classes of advertisements listed in Schedule 15 except in respect of a place included in the heritage list or in a heritage area;
- (ix) agriculture—extensive, agriculture—intensive, home occupation and rural pursuit in the General Agriculture zone and Priority Agriculture zone where carried out in accordance with adopted best practice for the industry in the opinion of the local government and where it is consistent with the local government's Local Planning Policy—Intensive Agriculture;
- (x) the erection of a boundary fence except where otherwise required by the Scheme;
- (xi) the carrying out of any works on, in, over or under a street or road by a public authority acting in pursuant of its statutory obligations;
- (xii) the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of, or for the maintenance of essential services;
- (xiii) the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority—
- (a) for the purpose for which the land is reserved under the Scheme; or
 - (b) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- provided the development complies with the provisions of the Development Table—General for the surrounding or relevant land use zone as determined by the local government;
- (xiv) except for development to which the R Codes apply, the minor filling, excavation or re-contouring of land, provided there is no more than 0.5m change to the natural ground level;
- (xv) except for development to which the R Codes apply, retaining walls less than 0.5m in height unless the site is located in a Local Planning Policy/Precinct Plan which specifically addresses requirements for retaining walls or the site is located within a Heritage Precinct;
- (xvi) rainwater tanks, unless proposed to be located outside a building envelope or within a building exclusion area or where it does not comply with setback requirements;
- (xvii) aquaculture proposals involving the use of existing dams where no structural works are proposed in the Priority Agriculture, General Agriculture and Rural Smallholdings zone;
- Notes: Where the proposal to clear vegetation is part of an Application for Planning Approval for a new building or structure there is no requirement for a separate Application for Planning Approval for the proposed clearing.*
- (xviii) swimming pools, effluent disposal systems, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation;
- (xix) satellite dishes and other domestic telecommunication installation unless it does not comply with any adopted standards outlined in a Local Planning Policy or is located within a Heritage Precinct;
- (xx) Photovoltaic systems where the photovoltaic panels are directly affixed to an existing or proposed roof of a building and do not project above the existing roofline, except where proposed on buildings contained within the Heritage List of the scheme.
- (xxi) jetties where they comply with relevant legislation;

- (xxii) a change of use where—
 - (a) the general use class category remains the same and no additional floorspace is proposed (eg. shop to shop);
 - (b) the proposed use will have a reduced car parking and no additional car parking spaces are required (eg. from shop to office);
 - (c) traffic generation, where there are no adverse offsite environmental impacts;
 - (d) where no additional floor space is proposed;

Notes: Premises where food and drinks are sold may be exempt from a Planning Approval but will require Environmental Health Approval.

- (e) external changes are proposed on a building which is not Heritage listed or within a Heritage Precinct;
- (f) satisfies health and safety requirements; and
- (g) there is a need to provide significantly improved public services and infrastructure;
- (xxiii) annual or short term (less than 12 months) horticultural crops in the Priority Agriculture, General Agriculture and Rural Smallholdings zones;
- (xxiv) dams in Priority Agriculture and General Agriculture Zones where the dam—
 - (a) has been approved or does not require approval from any State Government agency or authority; and
 - (b) the lower edge of the dam wall, and any other part of the dam including the stored water is further than 20m from boundaries of the subject lot.

Notes: Any landowner/proponent proposing to build a dam in any zone must determine the current requirements for licensing the dam by the Department of Water and must satisfy these requirements.

The landowner/proponent should seek advice from but not be limited to—

- (i) *Department of Agriculture and Food WA for advice on whether the proposal is consistent with DAFWA recommendations for farming practices, water supply and dam construction; and the*
- (ii) *Department of Environment and Conservation and the Department for Water for advice on potential environmental impacts on watercourses, wetlands and the riparian zone and must advise them in relation to its impacts on water resource management and if it requires approval in relation to the taking of water and any other potential environmental impacts.*
- (xxv) activities and work which lie within the definition of development but which are associated with and/or necessary for the continuation of a primary use of land lawfully existing pursuant to the provisions of this Scheme;
- (xxvi) changes in the use of land and buildings for which an approval, pursuant to this Scheme, is not required except those which give rise to—
 - (a) a material change in the appearance of the property concerned;
 - (b) the need, as may be determined by the local government for additional car parking accommodation, landscaping or other special site treatments;
 - (c) significant increases in the amount of traffic attracted to the site; and
 - (d) the need for the provision of significantly improved public services and utilities of any kind.

Notes: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 157 of the Planning and Development Act 2005.

8.5 Amending or Revoking a Planning Approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted; revoke or amend the planning approval or temporary approval, prior to the commencement of the use or development subject of the planning approval.

8.6 Unauthorized Existing Developments

8.6.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of date; if the development conforms to the provisions of the Scheme.

8.6.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

- Notes:*
1. *Applications for approval to an existing development are made under Part 9.*
 2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

PART 9—APPLICATIONS FOR PLANNING APPROVAL**9.1 Form of Application**

9.1.1 An application for Planning Approval is required for one or more of the following—

- (i) a use or commencement of development on a Local Reserve under Clause 3.4;
- (ii) commencement of a “P” use which does not comply with all relevant development standards and requirements of the Scheme as referred to in Clause 4.19.2, and/or is not considered “permitted development” under Clause 8.4;
- (iii) commencement of a “D” use or an “A” use as referred to in Clause 4.19.2;
- (iv) commencement of a use not listed in the Zoning Table under Clause 4.20.2;
- (v) alteration or extension of a non-conforming use under Clause 4.22;
- (vi) a change of a non-conforming use under Clause 4.22;
- (vii) continuation of a non-conforming use under Clause 4.21;
- (viii) variation of a site or development requirement as provided by the Scheme in Clause 5.5
- (ix) commencement of development under Clause 8.1;
- (x) continuation of development already commenced or carried out under Clause 8.6;
- (xi) a subsequent planning approval pursuant to an approval under Clause 10.8.1;
- (xii) the erection, placement or display of an advertisement; and

is, subject to Clause 9.1.2, to be made in the form prescribed in Schedule 12 and then signed by the owner, accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 16.

9.2 Application Fee

9.2.1 A Planning Application shall not be valid for the purpose of the Scheme, or be processed by the government, until the fee as adopted by the local government in accordance with the *Town Planning (Local Government Planning Fees) Regulations 2000* in the local government’s adopted budget or as otherwise specified in the Scheme has been paid.

9.2.2 Notwithstanding the provisions of Clause 9.2.1 the local government may, in exceptional circumstances, grant a waiver of part of, or the entire application fee.

9.3 Accompanying Material

Unless the local government waives any particular requirement, every application for planning approval is to be accompanied by—

- (i) a plan or plans to scale of not less than 1:500, showing—
 - (a) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (b) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (c) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (d) both the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (e) the location, number, dimensions and layout of all car park spaces intended to be provided;
 - (f) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (g) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (h) the nature and extent of any open space and landscaping proposed for the site;
- (ii) plans, elevation and section of any building proposed to be erected or altered and of any building it is intended to be retain;
- (iii) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (iv) any other plan or information that the local government may require to enable the application to be determined.

9.4 Additional material for Heritage Matters

Where an application relates to a place entered on the Heritage List or within a Heritage Area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application—

- (i) street elevations drawn to scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;

- (ii) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.5 Applications Containing Insufficient Information

9.5.1 An applicant is required to demonstrate that the land is capable and suitable for the proposed development and where the applicant does not provide appropriate information in the opinion of the local government, it will not be processed or be regarded as valid until satisfactorily addressed by the applicant.

9.5.2 Where, in respect of any application for planning approval, the information provided is, in the opinion of the local government, insufficient for a proper planning evaluation to be made for the purposes of this Scheme; the local government shall, within a period of 14 days, notify the applicant in writing that additional information is required, specifying the type and form of the information to be submitted.

9.5.3 Where notice has been served pursuant to Clause 9.5.2, the unexpired portions of the periods for calculating whether or not an application may be deemed to have been refused, for the purpose of Clause 10.10 shall be stayed from running until such time as the additional information has been received by the local government.

9.5.4 On the receipt of the requested information, or upon the applicant requesting in writing that the application for planning approval be determined, the local government shall proceed to determine the application in accordance with the requirements of the Scheme.

9.6 Advertising of Applications

9.6.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (i) an “A” use as referred to in Clause 4.19.2; or
- (ii) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with Clause 9.6.3.

9.6.2 Despite Clause 9.6.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice be given in accordance with Clause 9.6.3.

9.6.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (i) notice of the proposed use or development served on adjoining and nearby owners who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (ii) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (iii) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.6.4 The notice referred to in sub-clauses 9.6.3(i) and (ii) is to be in the form prescribed in Schedule 14 with such modifications as are considered appropriate by the local government.

9.6.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.6.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

9.7 The Need for Approval from the Minister for Indigenous Affairs

9.7.1 In addition to planning approval, an applicant may require the consent of the Minister for Indigenous Affairs under the *Aboriginal Heritage Act 1972* before commencing development for which planning approval has been granted.

Notes: There is also a need for applicants to meet the requirements of other legislation prior to development/site works/occupation that includes but is not limited to the Aboriginal Heritage Act 1972, Environmental Protection Act 1986, and the Health Act 1911.

Nothing in the Scheme obviates the need for formal assessment of proposals under the Environment Protection Act 1986 where such assessment is required, the local government is not to make a decision that could have the effect of causing or allowing the proposal to be implemented until the environmental assessment process (including any associated appeals) has been completed.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with Other Authorities

10.1.1 In considering an application for planning approval, the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 Matters to be Considered by Local Government

The local government, in considering an application for planning approval, is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;
- (ii) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (iii) any approved State Planning Policies of the Commission;
- (iv) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (v) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (vi) The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (vii) the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;
- (viii) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (ix) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (x) the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;
- (xi) any social issues that have an effect on the amenity of the locality;
- (xii) the cultural significance of any place or area affected by the development;
- (xiii) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (xiv) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (xv) the preservation of the amenity of the locality;
- (xvi) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (xvii) whether the proposed means of vehicular access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (xviii) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (xix) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (xx) whether public utility services are available and adequate for the proposal;
- (xxi) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (xxii) whether adequate provision has been made for access by disabled persons;
- (xxiii) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (xxiv) whether the proposal is likely to cause soil erosion or land degradation;
- (xxv) the potential loss of any community service or benefit resulting from the planning approval;
- (xxvi) any relevant submissions received on the application;
- (xxvii) the comments or submissions received from any authority consulted under Clause 10.1; and
- (xxviii) any other planning consideration the local government considers relevant.

10.3 Determination of Applications

In determining an application for planning approval the local government may—

- (i) grant its approval with or without conditions; or
- (ii) refuse to grant its approval.

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making the determination in relation to the application, the local government is to convey its determination to the applicant in the form of prescribed in Schedule 14 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2 Where the local government refuses an application for planning approval, the local government is to give reasons for its refusal.

10.5 Term of Planning Approval

10.5.1 Where the local government grants planning approval for the development of land—

- (i) the development approved is to be substantially commenced in the opinion of the local government within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (ii) the planning approval lapses if the development has not substantially commenced in the opinion of the local government before the expiration of that period.

Notes: Substantial Commencement

For the purposes of this Scheme the local government considers that "substantially commenced" is where the applicant can justify to the local government that either 50% of the approved development has been satisfactorily completed in accordance with the local governments' approval or that a minimum of 50% of the estimated cost of the overall development has been expended.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in Clause 10.5.1.

10.6 Temporary Planning Approval

10.6.1 Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

10.6.2 Where the Proponent wishes to continue the development and/or use the subject of a temporary planning approval under Clause 10.6.1, application may be made, and the local government may, if it deems fit, grant a renewal of the approval with or without a time limit, and, in such cases is, notwithstanding the provisions of Clause 4.19.2, not bound to consult with nearby or other affected land owners.

Notes: A Temporary Planning Approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of planning approval which is the period within which the development must commence.

10.7 Scope of Planning Approval

10.7.1 Planning approval may be granted for—

- (i) for the use or development for which the approval is sought;
- (ii) for that use or development, except for a specified part or aspect of that use or development; or
- (iii) for a specified part or aspect of that use or development.

10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for development that includes the carrying out or any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made no later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Requests for Reconsideration

10.9.1 Where the local government refuses to grant, or imposes conditions on a planning approval and the applicant is dissatisfied with the refusal or conditional approval, the applicant may, subject to the provisions of clause 10.9.2, request the local government in writing to reconsider its decision.

10.9.2 Any request for reconsideration—

- (i) shall be lodged with the local government within 28 days of the decision of the local government;
- (ii) will only be valid if there is additional new information provided with the request that was not available to the applicant or the local government when making its original decision;
- (iii) shall be accompanied by 50% of the application fee or such lesser amount as determined by the local government; and
- (iv) will be valid without the payment of a fee if the request for reconsideration is to correct an error in the decision in respect of which the request is made.

10.9.3 The local government shall, within 60 days of the date of its receipt consider the reconsideration request and may—

- (i) refuse the request and re-affirm its original decision in the matter;
- (ii) revoke its original decision and issue a new determination in the matter; or
- (iii) delete, amend or replace the condition or conditions the subject of the request or add, amend or delete other conditions related to the request.

10.10 Deemed Refusal

10.10.1 Subject to Clause 10.10.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of a valid application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

Notes: A valid application is one with necessary plans, paid sufficient fee, form signed by owner, etc.

10.10.2 An application for planning approval which is the subject of a notice under Clause 9.6 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.10.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in Clause 10.10.1 or 10.10.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.11 Right of Review

10.11.1 An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply to the State Administrative Tribunal for a review of the determination under Part 14 of the Planning and Development Act.

10.11.2 Other rights of review exist at Clause 6.4.8.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the Local Government

11.1.1 The local government, in implementing the Scheme, has the power to—

- (i) enter into an agreement with an owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (ii) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and
- (iii) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Removal and Repair of Existing Advertisements

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the option of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (i) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (ii) remove the advertisement.

11.2.3 For the purpose of Clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (i) the advertisement, the subject of the notice;
- (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply within the notice; and
- (iii) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may apply for a right of review under Part 14 of the *Planning and Development Act 2005* against the determination of the local government.

11.3 Delegation of Functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.3 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Clause 11.3.1.

11.3.4 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.5 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 Person must Comply with Provisions of Scheme

11.4.1 A person must not—

- (i) contravene or fail to comply with the provisions of the Scheme;
- (ii) use any land or commence or continue to carry out any development within the Scheme area—
 - (a) otherwise than in accordance with the Scheme;
 - (b) unless all approvals required by the Scheme have been granted and issued;
 - (c) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (d) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Notes: Section 218 of the *Planning and Development Act 2005* provides that a person who—

- (a) contravenes the provisions of a planning scheme;
- (b) commences, continues or carries out any such development in any part of the region the subject of a region planning scheme or any part of an area the subject of a local planning scheme otherwise than in accordance with the provisions of the planning scheme, or
- (c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the *Planning and Development Act 2005*—

- (i) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (ii) where the land has been reserved for a public purpose and—
 - (a) an application made under the Scheme for the approval to carry out development on the land is refused; or
 - (b) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

no later than 6 months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under Clause 11.5.1.

11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the *Planning and Development Act 2005*, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit, but the land must be used and preserved for a use compatible with the purpose for which it is reserved.

Notes: Section 190 and 191 of the *Planning and Development Act 2005* empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7 Directions by Local Government regarding Unauthorised Development

11.7.1 Under section 214 of the *Planning and Development Act 2005*, 60 days written notice is prescribed as the notice to be given to stop and not recommence any use or development of land which is unauthorised by the Scheme or to remove, pull down, take up or alter a development undertaken in contravention of the Scheme as set out in that Section.

11.7.2 The local government may recover expenses under Section 215(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

SCHEDULES

Schedule 1	Dictionary of defined word and expressions General definitions Land use definitions
Schedule 2	Rural Residential—Additional Requirements
Schedule 3	Rural Smallholdings—Additional Requirements
Schedule 4	Rural Conservation—Additional Requirements
Schedule 5	Tourist Enterprise
Schedule 6	Special Use
Schedule 7	Enterprise Zone
Schedule 8	Planning Precinct Statements
Schedule 9	Additional Uses
Schedule 10	Environmental Conditions
Schedule 11	Special Control Areas—Division A.—Public Drinking Water Source Areas; Division B- Structure Plan Areas; Division C—Lake Muir Consultation Area
Schedule 12	Form of application for planning approval
Schedule 13	Notice of determination on application for planning approval
Schedule 14	Notice of public advertisement of planning proposal
Schedule 15	Exempted Advertisements
Schedule 16	Additional information for advertisements
Schedule 17	Abbreviations
Schedule 18	Restricted Uses
Schedule 19	Development Investigation Areas

Schedule One**DICTIONARY OF DEFINED WORDS AND EXPRESSIONS****1. General definitions**

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as the *Heritage of Western Australia Act 1990*;

“**development**” means the development of any land, including any demolition, erection, construction, alteration or addition to any building or structure on the land and the carrying out on the land of any excavation;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**Gazettal date**” in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 of the *Planning and Development Act 2005*;

“**height**” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above the middle of the building;

- “**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;
- “**local government**” means the Shire of Manjimup;
- “**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;
- “**lot**” has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;
- “**minerals**” has the same meaning as in the *Mining Act 1978*;
- “**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - (b) lobbies between lifts facing other lifts serving the same floor;
 - (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
 - (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- “**non-conforming use**” has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;
- “**owner**” in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—
- (a) is entitled to the land for an estate in fee simple in possession;
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - (c) is a lessor or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
- “**place**” in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “**plot ratio**” in the case of residential dwellings has the same meaning as in the Residential Design Codes;
- “**precinct**” means a definable area where particular planning policies, guidelines or standards apply;
- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**Residential Design Codes**” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission State Planning Policy No. 1, as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**Town Planning Act**” means the *Planning and Development Act 2005*;
- “**wholesale**” means the sale of good or materials to be sold by others;
- “**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “**abattoir**” means land and buildings used for the slaughter of animals and the treatment of carcasses, offal and by-products;
- “**ancillary accommodation**” has the same meaning as is given to that term in the Residential Design Codes;
- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of plant or fruit nurseries, and;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms).

- “agroforestry”** means land used commercially for tree production and agriculture—
- (a) where trees are planted in blocks of more than 1ha and;
 - (b) the tree crop does not cover more than 10% of the total cleared area of the property or properties in which the application is proposed. If more than one property is proposed to be planted which is adjoining, the Local government will seek confirmation that the properties are farmed as an integrated unit; and
 - (c) the applicant provides sufficient justification that there is a genuine commitment to other forms of commercial agriculture;
- “amusement parlour”** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “animal husbandry—intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots;
- “aquaculture”** means any fish farming operation for which an aquaculture licence issued pursuant to the provisions of the *Fish Resources Management Act 1994* (as amended), is required;
- “art and craft gallery”** means any land or building used to manufacture, display and sell works of art or craft;
- “bed and breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast accommodating a maximum of 6 guests;
- “betting agency”** means an office or totalisator agency established under the *Racing and Wagering Western Australia 2008*;
- “brewery”** means land and buildings used for the brewing of alcoholic and non-alcoholic beverages and the associated bottling, packaging and distribution of the goods produced;
- “building envelope”** means an area of land within a lot defined on a plan approved by the responsible authority within which all buildings, water tanks or other structures, site works or other structures, site works, batters, retaining walls and effluent disposal facilities on the lot must be contained;
- “building exclusion area”** means an area of land within a lot defined on a plan approved by the responsible authority within which no buildings, water tanks or other structures, site works, batters, retaining walls and effluent disposal facilities must not occur;
- “cabin”** means an individual self-contained unit similar to chalet but may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
- “camping area”** means land set aside for the erection of tents and other similar structure for temporary accommodation, and “camping” has a compatible meaning;
- “caravan”** means a wheeled unit, whether currently equipped with wheels or not, capable of being used for residential accommodation or other purposes and includes self-propelled units of a similar nature;
- “café”** see **“tearooms”**;
- “caravan or trailer yard”** means any land or building used for—
- (a) the hire and/or sale of caravans, car trailers, non-motorised horse floats and mobile homes; and
 - (b) the hire and/or sale of tents, camping gear and other items of a similar nature, where such use is incidental to the use falling within (a) above;
- “caravan park”** means an area set aside for the parking of caravans under the *Caravan Parks and Camping Ground Act 1995* or any amendment thereto;
- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “car park”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “chalet”** means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
- “child care premises”** means premises in respect of which a child care licence under the *Child Care Services (Child Care) Regulations 2006* is required;
- “cinema/theatre”** means premises where the public may view a motion picture or theatrical production;

- “**civic use**” means premises used by a state or commonwealth government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagencies but including the sale of petrol and operated during hours which include but which may be extended beyond normal trading hours for a shop and providing associated parking. The buildings associated with a convenience store shall not exceed 300m² gross lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**dam**” means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water features associated with landscaping and gardens;
- “**dam construction**” means any works involving construction of flow associated with a water course, but excludes any drainage works undertaken as part of an approved subdivision of land, or public works undertaken by the authority responsible for the management or maintenance of the particular water course;
- “**dwelling**”—
- “**aged or dependent persons dwelling**” has the same meaning as is given to that term in the Residential Design Codes;
- “**attached house**” has the same meaning as is given to that term in the Residential Design Codes;
- “**dwelling house**” has the same meaning as is given to that term in the Residential Design Codes;
- “**grouped dwelling**” has the same meaning as is given to that term in the Residential Design Codes;
- “**multiple dwelling**” has the same meaning as is given to that term in the Residential Design Codes;
- “**single house**” has the same meaning as is given to that term in the Residential Design Codes;
- “**dwelling unit**” or “**dwelling**” has the same meaning as is given to those terms in the Residential Design Codes;
- “**eco-tourist facility—short stay**” means a form of tourist accommodation that is designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities that attract tourists to the location. The development should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for low water consumption, ecologically sensitive waste processing and disposal with no pollutant product;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “**family day care**” means premises used to provide family day care within the meaning of the *Child Care Services (Family Day Care) Regulations 2006*;
- “**farm stay**” means a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short stay guests on a farm or rural property and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily of the premises, but does not include a lunch bar;
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**garden centre**” means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;

“guesthouse” means integrated premises for short stay guests comprising serviced accommodation units and on site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

“holiday accommodation” means land and buildings providing facilities for tourist and travellers, including chalets, cabins, farm stay, bed and breakfast, camping grounds, caravan parks and motels, non of which is occupied by the tenant for a period of more than 3 months in any one calendar year;

“holiday cottage” means a dwelling in Windy Harbour with its associated detached rooms and outbuildings—

- (a) designed primarily for occupation as a dwelling but used only for purposes consistent with the lease in each case; and
- (b) used, whether or not for commercial gain or reward from time to time;

for unsupervised, short stay tourist accommodation purposes (Holiday House) for one family or no more than 6 persons but does not include a guest house, lodging house or bed and breakfast facility.”

“holiday house” means a dwelling together with its associated outbuildings—

- (a) designed primarily as a dwelling house for permanent residential purposes whether or not occupied periodically as such; and
- (b) used, whether or not for commercial gain or reward, from time to time for unsupervised, short-stay tourist accommodation purposes excluding people that are members of the owner’s family but including all people where the owner is a company;

but does not include a “bed and breakfast” facility;

“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20m²;
- (d) does not display a sign exceeding 0.2m²;
- (e) does not involve the retail sale, display or hire of good of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100m² attached to a dwelling and which is operated by a person resident in the dwelling;

“horticultural pursuit” means the use of land for any purposes set out hereunder and the use of buildings normally associated therewith—

- (a) the intensive growing of vegetables, fruit, cereals or food crops for commercial purposes;
- (b) the growing of trees, shrubs, plants or flowers for replanting, including the use of turf farm;
- (c) the sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural purposes;

“**hospital**” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“**hotel**” means premises providing accommodation the subject of a hotel license under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“**industry**” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations;

“**industry—cottage**” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which;

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) does not display a sign exceeding 0.2m² in area;

“**industry—extractive**” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials on, or adjacent to, the land from which the materials are extracted, but does not include “industry—mining”;

“**industry—general**” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“**industry—light**” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“**industry—mining**” means land used commercially to extract minerals from the land;

“**industry—noxious**” means land and buildings the use of which is for purposes requiring licensing as “Prescribed Premises” under the provisions of the *Environmental Protection Act 1986*.”

“**industry—rural**” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“**industry—service**” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“**lodging house**” shall have the same meaning as is given to that term in the *Health Act 1911*;

“**low-impact development**” means that the use and development of land in such a manner that does not detract from the rural and natural amenity of the locality, and includes the following criteria—

- (a) Development being located so as to avoid ridge line, escarpments or visually exposed sites and situated where screening vegetation or land form can be utilised;
- (b) Use and development being sensitively located and designed to minimise impact on vegetation, water courses, soils quality and existing land uses;
- (c) Development being of a scale and nature so as to be self-sustaining on the lot, or demonstrating the ability to provide servicing without significant modifications to existing infrastructure;
- (d) Development that by the nature of its scale, design, colours, materials, landscaping and use, has minimal impact on its site and surrounding areas; and
- (e) Where the land use and any development had minimal off-site consequence.

“**low-impact recreation facilities**” are facilities of a predominately recreational or ancillary nature, excluding commercial accommodation, which meet the criteria of “Low-impact Development”. Examples include parking area, public toilets, walk trails, picnic sites and boardwalks.

- “low-impact tourist development—short stay”** is a development of predominately tourist nature which meets the criteria of “Low-impact Development”
- “lunch bar”** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within an industrial or commercial area;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “night club”** means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Control Act 1988*;
- “occasional use”** means use of any land or building on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the local government prejudice the orderly and proper planning or the preservation of the amenity of the locality, in which the land or building is situated. The term includes a swap-meet, market, fair, sausage sizzle, cake stall or artistic performance;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “piggery”** shall have the same meaning given to it in and for purposes of the *Health Act 1911* (as amended);
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (2006) published by the Department of Conservation and Land Management and the Australian Forest Growers as amended from time to time;
- “plant nursery”** means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden décor;
- “potable water”** means water fit for human consumption as determined by the relevant Australian Statute of the day;
- “poultry farming”** means the use of land and buildings for hatching, rearing or keeping of poultry for the purpose of sale of live poultry, meat or eggs for commercial gain and such use may or may not constitute an offensive trade in the meaning of the *Health Act 1911* (as amended);
- “produce store”** means any land or building wherein fodders, fertilisers, and grain are displayed and offered for sale;
- “public assembly—place of”** or **“place of public assembly”** means any special place of assembly and without limiting the generality of the definition includes grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadiums or showgrounds, but does not include club premises;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes;
- “recreation—private”** or **“private recreation”** means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge;
- “recreation—public”** or **“public recreation”** means the use of land for a public park, public gardens, playground or grounds for recreation which are normally open to the public without charge;
- “residential building”** has the same meaning as in the Residential Design Codes;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;

“**restricted premises**” means premises used for the sale by retail or wholesale, or the offer by hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“**roadhouse**” means land and buildings used for the predominant purpose of a service station but incidentally including a café or restaurant and/or a shop;

“**rural home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 5 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200m²;
- (d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles or more than 3.5 tonnes tare weight; and
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone.

“**rural pursuit**” means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot;

but does not include agriculture—extensive or agriculture—intensive;

“**rural workers’ accommodation**” means a building located on a rural landholding which is used for short stay, sleeping quarters for seasonal, temporary or migratory workers working on that landholding and is to be incidental to the agricultural use of that land;

“**sawmill**” means a mill or premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large piece of timber are sawn therein;

“**second dwelling**” means a dwelling on a property where an approved dwelling already exists and where the second dwelling includes a caretakers dwelling or ancillary accommodation but does not include a dwelling listed on the Municipal Inventory retained to conserve the building in a manner consistent with the provisions of the relevant Heritage laws and Municipal Inventory;

“**service station**” means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“**serviced apartment**” means a complex where all units or apartments provide for self contained accommodation for short stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

“**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“**short stay**” means a period of not more than a total of 3 months within any one 12-month period.

“**short stay accommodation**” and “**tourism development**” mean a building or group of buildings forming a complex, designed for the accommodation of short stay guests and which provides on site facilities for the convenience of guests and for management of the development, and where occupation by any person is limited to a maximum of 3 months in any 12-month period and excludes those uses more specifically defined elsewhere;

“**showroom**” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“**small bar**” means premises licensed as a small bar under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120;

“**storage**” means premises used for the storage of goods, equipment, plant or materials;

“**tavern**” means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;

- “**tearooms**” means premises similar to those of a restaurant but from which only snacks and light refreshments are served during normal working hours and the term includes premises referred to as café;
- “**telecommunications infrastructure**” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
- “**tourist resort**” means integrated, purpose built, luxury or experiential premises for short stay guests comprising accommodation units and on site tourism facilities such as reception, restaurant, and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
- “**trade display**” means premises used for the display of trade goods and equipment for the purpose of advertisement;
- “**transport depot**” means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles;
- “**truck/bus depot**” means land and buildings used for the garaging of trucks or buses used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles;
- “**veterinary centre**” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
- “**warehouse**” means premises used to store or display goods and may include sale by wholesale;
- “**wayside stall**” means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located;
- “**wind powered generator**” means a device by which electricity is generated by wind force generally for consumption by the land owner but including the supply of surplus power to a public power supply and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force;
- “**wind farm**” means land or premises upon which 5 or more wind generators are installed for the purpose of generating electricity whether for private consumption, for the supply of electricity to a community or major industry or for connection into the South West Integrated System;
- “**winery**” means premises used for the production of viticulture produce and may include sale of the produce.

Schedule Two

RURAL RESIDENTIAL—additional requirements

Schedule 2 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Rural Residential areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Area No. 1	Special Provisions
Wheatley Coast Road, Northcliffe	<ol style="list-style-type: none"> 1. Setbacks shall be 20m from any lot boundary. 2. The provisions of Clause 5.24 regarding supply of water shall apply.
Area No. 2	Special Provisions
Ipsen Street, Manjimup	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.
Area No. 3	Special Provisions
Springdale Road, Manjimup	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 4	Special Provisions
Boundary Road, Manjimup	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 5	Special Provisions
Browns Road, Pemberton	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 6	Special Provisions
Nelson Location 6991, Wheatley Coast Road and Double Bridge Road, Northcliffe	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 7	Special Provisions
Wheatley Coast Road, Northcliffe "Parkfield Drive"	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 8	Special Provisions
Allen Road, Walpole "Tingleview"	<p>Landuse</p> <ol style="list-style-type: none"> 1. In order to protect the natural environment and the integrity of the adjacent Walpole-Nornalup National Park the following animals will not be kept— Cats Pigs Goats 2. Within the area designated in the endorsed Structure Plan as Bushland Retreat, intensive agriculture pursuits, the breeding or keeping of animals for commercial gain and the keeping of horses shall not be permitted. 3. The provisions of Clause 5.24 regarding supply of water shall apply. 4. Subdivision and development is to be generally in accordance with the Subdivision Guide Plan which formed part of Amendment 25 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 8	Special Provisions
	<p>Fire Control</p> <ol style="list-style-type: none"> 5. Within the Fuel Reduction Area identified in the endorsed Structure Plan, all substantial vegetation capable of creating a fire hazard will be removed to the satisfaction of local government, the Fire and Emergency Services Authority of Western Australia and DEC. 6. Within the area identified on the endorsed Structure Plan as subject to Parkland Clearing, the density of substantial vegetation will be reduced to a level satisfactory to local government, the Fire and Emergency Services Authority of Western Australia and DEC. 7. Ongoing management of the Fire Breaks, Fuel Reduction Area, Area Subject to Parkland Clearing and other fire control measures required by the <i>Bush Fires Act 1954</i> is the responsibility of individual lot owners. 8. Dwellings to be sited at least 100m from the northern firebreak to avoid risk of damage by falling trees as a result of fire or other natural forces in the adjoining State Forest. 9. The boundary between the parkland clearing and fuel reduction area adjoining the National Park to be maintained for use as a fire containment break or pasture which will serve as a firebreak for fuel reduction burning to the satisfaction of the DEC. 10. Ungrazed bush within the Bushland Retreat Area should be subject to prescribed burning in line with the Shire of Manjimup Fire Protection Plan.
Area No. 9	Special Provisions
Perup Road, Manjimup	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. No buildings shall be erected within 50m of the forest reserve 8522 Perup Road and CG 2085 Manjimup. 3. Landscape and revegetation areas to be established and maintained in accordance with the endorsed Structure Plan prior to clearance of subdivision. 4. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme
Area No. 10	Special Provisions
Palgarrup Lots Pt 11 and 59 Nelson Locations 504 and 1024 "Wilgarup Heights"	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme
Area No. 11	Special Provisions
Pemberton—Northcliffe Road, Northcliffe "Sparsa Close"	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme

Area No. 12	Special Provisions
Portion of Nelson Locations 5210 and 3239 Bellavista Road, Manjimup "Bella Vista"	<ol style="list-style-type: none"> 1. At the time of development, the local government shall require those lots within the "Areas Requiring a Degree of Revegetation" (as shown in the endorsed Structure Plan) to be planted and maintained with 50 trees native to the area and capable of growing to at least 3m in height. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by the local government. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Amendment 44 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 13	Special Provisions
Nelson Location 8264, Hind Road, Manjimup "Hind Road"	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 14	Special Provisions
Nelson Location 10283 Pemberton—Northcliffe Road, Northcliffe.	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. The local government and the Fire and Emergency Services Authority of W.A. may at subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for adequate on-going fire protection of the site. This may include the preparation of an overall fire management plan for the site, to be adopted pursuant to Section 33 of the <i>Bush Fires Act 1954</i>. 3. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 15	Special Provisions
Perup Road, Manjimup	<ol style="list-style-type: none"> 1. The objective is to allow for rural residential living and appropriate rural uses adjacent to the Manjimup Townsite. These uses are to be compatible with the designation of the land within the buffer of the Manjimup Waste Water Treatment Plan; and the uses are not to conflict with any other adjacent residential development. 2. The following uses are permitted "P"— Dwelling House Outbuilding The following uses are not permitted unless approval is granted by the local government "D"— Ancillary Accommodation Cottage Industry

Area No. 15	Special Provisions
	<p data-bbox="810 275 1018 465">Dog Kennel Home Occupation Rural Use Stables Public Utility Private Recreation</p> <p data-bbox="786 477 1385 633">All other uses not mentioned above are not permitted "X". In considering any application for an "D" use the local government will have consideration of the objective the area and may impose such conditions as it considers necessary to ensure that this objective is complied with.</p> <p data-bbox="719 645 1385 824">3. In considering approving any use development the local government shall have specific regard to how the proposed use and development may impact upon the adjacent residential areas. It may impose conditions upon such use and development to ensure that there is no adverse impact on the adjoining areas including conditions—</p> <ul data-bbox="786 835 1385 1025" style="list-style-type: none"> —restricting the area and/or location of the use; —requiring the establishment of landscape buffers/ screen plantings; —restricting the hours of operation; and —requiring specific management measures to be implemented. <p data-bbox="719 1037 1385 1160">4. No development or use shall cause injury to or prejudicially affect the amenity of the locality by reason of appearance or the emission of smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.</p> <p data-bbox="719 1171 1385 1328">5. Where the local government considers that a development or use does prejudicially affect the amenity of the locality it may serve a notice on the owner or occupier of the land pursuant to this cause, requiring such activity to cease or to modified to the local government's satisfaction.</p> <p data-bbox="719 1339 1385 1507">6. Subdivision and development is to be generally in accordance with the Subdivision and Development Guide Plan which formed part of Amendment 96 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.</p> <p data-bbox="719 1518 1385 1597">7. All envelopes shall be located outside of the WWTP Buffer Area as shown in the endorsed Structure Plan.</p> <p data-bbox="719 1608 1385 1709">8. The landscape areas shown in the endorsed Structure Plan shall be maintained in perpetuity by the owner of the lot within which the landscaping area (or part of it) is located.</p> <p data-bbox="719 1720 1385 1821">9. The subdivider shall prepare and implement a Landscaping Plan to the satisfaction of the local government for the landscape areas shown in the endorsed Structure Plan.</p> <p data-bbox="719 1832 1385 1910">10. All proposed lots shown in the endorsed Structure Plan shall be connected to a reticulated water supply.</p>

Area No. 16	Special Provisions
Portion of Nelson Location 2109 West Boundary Road, Manjimup	1. The provisions of Clause 5.24 regarding supply of water shall apply.

Area No. 16	Special Provisions
	<ol style="list-style-type: none"> Subdivision and development is to be generally in accordance with the Subdivision and Development Guide Plan which formed part of Amendment 55 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 17	Special Provisions
Dingup Road, Manjimup	<ol style="list-style-type: none"> The provisions of Clause 5.24 regarding supply of water shall apply. A 30m fuel reduction zone be created on the southern boundary of Loc 9529 and those boundaries on Loc 6777 not fronting the Muirs Highway. Within this zone substantial vegetation will be reduced or planting of trees kept to a level satisfactory to the local government, the Fire and Emergency Services Authority of Western Australia and DEC. No building should be constructed within the fuel reduction zone.

Area No. 18	Special Provisions
Portion of Nelson Location 6221 Manjin Drive, Manjimup "Kookaburra Ridge"	<ol style="list-style-type: none"> The provisions of Clause 5.24 regarding supply of water shall apply. Subdivision and development is to be generally in accordance with the Subdivision and Development Guide Plan which formed part of Amendment 61 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 19	Special Provisions
Nelson Location 9886 Boorara Road, Northcliffe	<ol style="list-style-type: none"> The provisions of Clause 5.24 regarding supply of water shall apply.

Area No. 20	Special Provisions
Nelson Location 4172 South Coast Highway, Walpole "Kaba Grove"	<ol style="list-style-type: none"> The provisions of Clause 5.24 regarding supply of water shall apply. In any event no building shall be constructed closer than 100m to the boundary of the National Park. No stock or domestic animals shall be kept on the land. No boundary fences shall be constructed unless prior approval is granted by the local government in consultation with the DEC and FESA WA. Owners are required to provide a 50,000l water tank solely for fire fighting purposes fitted with standard fire fighting couplings as per FESA WA requirements. Where required by the Health Department of WA, alternative treatment units will be installed to the satisfaction of the Shire of Manjimup and the Health Department of WA. Subdivision and development is to be generally in accordance with the Plan of subdivision which formed part of Amendment 80 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 21	Special Provisions
Nelson Location 10292 Wheatley Coast Road, Northcliffe	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. Until the existing timber mill situated on NL 10291 has ceased operation and the land rezoned to restrict such a use; no dwelling shall be developed within the 500m buffer area (as shown on the endorsed Structure Plan) without the prior approval of the local government. 3. Subdivision and development is to be generally in accordance with the Subdivision Guide Plan which formed part of Amendment 89 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 22	Special Provisions
Lot 266 Chopping Street, Manjimup	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. The local government may recommend as a condition of subdivision that a Geotechnical report be provided. 3. Subdivision and development is to be generally in accordance with the Subdivision Guide Plan which formed part of Amendment 91 to Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 23	Special Provisions
Lot 6223, 6224, 1277 and 1611 South Western Highway, Manjimup	<ol style="list-style-type: none"> 1. Landscape Protection and Tree Preservation areas to be maintained on an ongoing basis by subsequent lot owners. 2. Road reserves to be planted with trees native to the locality in accordance with the Landscape Plan. 3. All measures to be implemented in accordance with the Landscape Plan prior to acceptance of the Diagram of Survey by the local government. 4. On those lots divided by a water course, a vehicle crossing will be required to be located and constructed to the satisfaction of the local government. 5. Subdivision and development is to be generally in accordance with the plan of subdivision which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 24	Special Provisions
Nelson Loc 4360 (Lots 1-16 incl) Hopgarden Road and Dunnette Road, Karri Valley	<ol style="list-style-type: none"> 1. The provisions of Clause 5.24 regarding supply of water shall apply. 2. In any event no building shall be constructed closer than 100m to the boundary of the National Park. 3. No boundary fences shall be constructed unless prior approval is granted by the local government in consultation with the DEC and FESA WA. 4. Owners are required to provide a 50,000l water tank solely for fire fighting purposes fitted with standard fire fighting couplings as per FESA WA requirements. 5. Where required by the Health Department, alternative treatment units will be installed to the satisfaction of the Shire of Manjimup and the Health Department.

Area No. 25	Special Provisions
Nelson Location 267 Aldersea Dr, Manjimup	<ol style="list-style-type: none"> <li data-bbox="619 271 1321 376">1. No building, outbuilding or fence shall be constructed of materials, or be of a colour considered by local government to be inappropriate to the character of the locality. <li data-bbox="619 376 1321 439">2. No building, outbuilding or fence shall be constructed without prior approval of the local government. <li data-bbox="619 439 1321 544">3. Fencing design and materials to be local government's satisfaction. Local government shall not approve fibro cement or similar solid materials which are considered to be inconsistent with rural character of the area. <li data-bbox="619 544 1321 627">4. Boundary fencing shall be constructed to a standard capable of holding stock and shall be maintained at that standard. <li data-bbox="619 627 1321 732">5. Re-vegetation for a minimum width of 15m along the western boundary of the site shall be provided and maintained in accordance with the "Subdivision Guide Plan" prior to subdivision approval. <li data-bbox="619 732 1321 869">6. No land shall be stocked to an extent which, in the opinion of local government, may result in the land being laid bare and in danger of being eroded by the actions of wind and/or water. No person shall permit a horse or other animal to harm existing live trees. <li data-bbox="619 869 1321 1480">7. It is considered essential that the following Stream Protection Area provisions be applied as a means of water course and water resource management of the stream which traverses the lot in question. The provisions are to apply to an area with the minimum width of 10m measured outwards from the top of both banks of the water courses marked as Stream Protection Areas on the Plan of Subdivision No. 8— <ol style="list-style-type: none"> <li data-bbox="735 1077 1321 1182">(a) No new dams artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks shall be permitted without Water Authority approval. <li data-bbox="735 1182 1321 1265">(b) The activities of stock to be controlled such that the problems of erosion, pollution and vegetation degradation do not occur. <li data-bbox="735 1265 1321 1473">(c) A no spray (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser application buffer of 50m from the watercourse, shall be stabilised on land within the amendment area. The no spray requirements will not preclude carrying out of noxious weed control in accordance with Agriculture Protection Board requirements. <li data-bbox="619 1480 1321 1635">8. Subdivision and development is to be generally in accordance with the Subdivision Guide Plan dated 9th July 1998 which formed part of Town Planning Scheme No. 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with part 6.4 of the Scheme.

Area No. 26	Special Provisions
Lot 2084 and Lot 50 Dingup Road, East Manjimup	<ol style="list-style-type: none"> <li data-bbox="619 1718 1321 1962">1. Except as it may be modified to address any requirements resulting from the preparation of the Urban Water Management Strategy as set out at Provision 2 below, subdivision of the land shall generally be in accordance with the Special Rural Area 26 Subdivision and Development Guide Plan, hereafter referred to as the Structure Plan attached to Scheme Amendment Report (Amendment No. 133 to Local Planning Scheme No. 2) and dated May 2008. <li data-bbox="619 1962 1321 2112">2. Prior to the lodgement of any application for approval to subdivide the land, the subdivider shall prepare a Local Water Management Strategy (LWMS) to the satisfaction of the Department of Water (DOW) and local government. Any modifications required to the Structure Plan as a result of outcomes of the LWMS

Area No. 26	Special Provisions
	<p>will need to be effected prior to subdivision approval via the preparation and approval of a revised Structure Plan. The LWMS shall be implemented to the satisfaction of the DOW and local government.</p> <p>3(a) The following uses are permitted “P” within Rural-Residential Area 26— Single Dwelling Outbuilding Home Occupation</p> <p>3(b) The following uses are not permitted unless approval is granted by the local government—“A” Ancillary Accommodation Rural Use Cottage Industry Private Recreation Public Utility Cottage Industry Private Recreation</p> <p>3(c) All other uses not mentioned in 2(a) and (b) are not permitted—“X”</p> <p>4 In considering approving any use listed above the local government shall have specific regard to how the proposed use and development may impact upon the water quality attributes of the existing waterway shown on the Structure Plan. It may impose conditions upon such development to ensure that there is no adverse impact on the existing waterway including conditions—</p> <ul style="list-style-type: none"> • restricting the area and/or location of the use; • requiring specific management measures to be implemented; and • requiring the revegetation of appropriate areas to improve the water quality attributes and ecology of the existing waterway. <p>5. Subdivision, development and the use of the subject land shall be in conformity with the provisions of the Scheme.</p> <p>6. The minimum lot size shall be 1ha.</p> <p>7. Each lot is to be provided with on-site effluent disposal systems established to the satisfaction of the local government and the Department of Health.</p> <p>8. No development is to occur within 10m and no septic tank or leach drain shall be constructed within 30m of the existing water courses unless otherwise approved by the local government.</p> <p>9. The provisions of Clause 5.24 shall apply.</p> <p>10. The subdivider shall prepare a Landscaping Plan to the satisfaction of the local government for the landscaping areas shown on the Structure Plan prior to the issue of titles and any such Plan approved by the local government shall be implemented prior to, or throughout the subdivision process to the local government’s satisfaction.</p> <p>11. The landscaping areas shown on the Structure Plan shall be maintained in perpetuity by the owner of the lot within which the landscaping area (or part of it) is located.</p> <p>12. The landscaping areas shown on the Structure Plan shall be established throughout the subdivision process to the satisfaction of the local government prior to clearance of the subdivision being given. Planting shall consist of a minimum of 500 trees and shrubs per hectare. The trees and shrubs shall be native to the area and capable of growing to at least 3m in height.</p>

Area No. 26	Special Provisions
	<p>13. The subdivider shall prepare and implement a Fire Management Plan to the satisfaction of the local government and Fire and Emergency Services (FESA) prior to clearance of subdivision.</p> <p>14. The subdivider shall construct all internal roads, Strategic Fire Break access ways and water supply points in compliance with the design requirements of the local government prior to the issue of titles/clearance of subdivision.</p> <p>15. Arrangements are to be made with the Shire by the subdivider and to the local government's satisfaction, prior to the issue of titles for the upgrading/construction of the internal and access roads to the subject site, the construction of Strategic Fire Breaks and the construction of water supply points.</p> <p>16. Strategic Fire Breaks and a 50,000l water storage tank site for fire fighting purposes shall be vested, free of charge, to the local government. Individual lot owners are not to construct fences or gates on, or create any other obstruction to, the Strategic Fire Breaks.</p> <p>17. The local government will be responsible for the maintenance and any future upgrades of the Strategic Fire Break vested in the Shire.</p> <p>18. No gates or fencing or any other obstruction are to restrict emergency access through the strategic fire break.</p> <p>19. The subdivider shall construct an un-gated 6-metre wide fire break and access road within the battle-axe leg in the lot indicated in the Structure Plan as being located in the south eastern portion of the subject site.</p> <p>20. The owner, in perpetuity, of the battle-axe lot indicated in the Structure Plan as being located in the south eastern portion of the subject site, is to be responsible for the on-going maintenance and any upgrading required to the battleaxe leg driveway to ensure its function as a fire break and access to the Strategic Fire Break from Dingup Road, to the local government's satisfaction.</p> <p>21. An access easement is to be provided in favour of the local government on the Title for the lot detailed in Special Provisions 19 and 20 (above) guaranteeing unrestricted access to the Strategic Fire Break on that land.</p>

Schedule Three

RURAL SMALLHOLDINGS—ADDITIONAL REQUIREMENTS

Schedule 3 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Rural Smallholdings areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Area No	Special Provisions

Schedule Four**RURAL CONSERVATION ADDITIONAL REQUIREMENTS**

Schedule 4 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Rural Conservation areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Area No	Special Provisions

Schedule Five**TOURIST ENTERPRISE**

Schedule 5 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Tourist Enterprise areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Zone Identification	Special Use Zone Permitted Uses	Conditions of Use
Tourist Enterprise Zone No. 1 Lot 8 Hop Garden Road Pemberton (<i>Beedelup House</i>)	<i>AMD 101 GG 18/7/03</i> <ul style="list-style-type: none"> • Chalets • Bed and Breakfast Accommodation • Restaurant; and • Caretaker's Dwelling 	<ol style="list-style-type: none"> 1. No more than a total of 8 chalets may be developed on the site. 2. The Bed and Breakfast accommodation is limited to a maximum of 10 rooms. 3. The development shall occur generally in accordance with the endorsed Development Guide Plan.
Tourist Enterprise Zone No. 2 Nelson Location 11110 Pump Hill Road, Pemberton (<i>Pump Hill Cottages</i>)	<ul style="list-style-type: none"> • Holiday Accommodation • Dwelling • Caretaker's Residence • Chalet • Cabins 	<ol style="list-style-type: none"> 1. No more than 27 chalets and cabins may be developed on the site. 2. Development of the land shall generally be in accordance with the endorsed Development Guide Plan. 3. Prior to any further development, a Section 70A notification pursuant to the <i>Transfer of Land Act 1893</i> (as amended) is to be placed on current Titles(s), and any proposed Title(s) in relation to Location 11110 Pump Hill Road, Pemberton, acknowledging and advising that traditional agricultural farming activities are carried out in the vicinity.
Tourist Enterprise Zone No. 3 Lots 1-4 Vasse Highway and Lots 6-7 and 19 Hopparden Road, Pemberton (<i>Karri Valley</i>)	Caravan Park Caretakers Residence Chalet Holiday Accommodation Private Recreation Public Amusement Residential Building Resort Rural Use Rural Industry Service Station Sports Ground Stables	<ol style="list-style-type: none"> 1. Development of the land shall generally be in accordance with the endorsed Development Guide Plan. 2. No buildings are to be established within 100m of the State Forest boundary. 3. Development shall be of a high standard and in keeping with the character and amenity of the area. Construction methods and materials will require the approval of the local government.

Zone Identification	Special Use Zone Permitted Uses	Conditions of Use
		4. On-site effluent disposal is to be provided to the satisfaction of the local government and the Department of Health. 5. Prior to any further development the landowner is to prepare and implement a Fire Management Plan to the satisfaction of the local government, the Fire and Emergency Services Authority of Western Australia and DEC.

Schedule Six
SPECIAL USE

Schedule 6 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Tourist Enterprise areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
Special Use Zone No. 1 Yanmah Townsite	Dwelling Home Occupation Home Business Industry-Cottage Rural Pursuit Civic Use Recreation—Public Dwelling—Ancillary Accommodation	1. Prior to any development occurring, the applicant shall demonstrate to the satisfaction of the local government that servicing and fire management is appropriately addressed. 2. Vegetation is to be conserved where practical and possible.
Special Use Zone No. 2 Lot 883, DP35324, Giblett Street, Manjimup	Industry –Service Short stay Accommodation and Tourism Development Restaurant Private Recreation Public Recreation	1. The objective of this zone is to ensure that use and development of the site recognises its important position at the entrance to the townsite, with surrounding recreation and landscape values. 2. All use and development of the site shall require the approval of the local government. 3. All development of the site shall be in accordance with a Structure Plan endorsed by the local government pursuant to this clause. Such plan may include— (a) Land Uses; (b) Setbacks and plot ratios; (c) Landscaping; (d) Car parking; (e) Building design guidelines; (f) Signage; and/or (g) Other matters required to achieve the objective of the zone. 4. The existing use of the site is for Industry—service (tyre and muffler centre). The local government may only permit alternative Industry—Service

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>uses where it is satisfied that the use is, in the opinion of the local government, less detrimental to the amenity of the neighbourhood than the existing use, or is, in the opinion of the local government, closer to the intended use of the zone.</p> <p>5. Any redevelopment of the site by—</p> <p>(a) Extending the existing building by more than 50% of its present floor area; or</p> <p>(b) By replacing the existing building,</p> <p>May only occur if the site is connected to the reticulated sewage system.</p>
<p>Special Use Zone No. 3 Nelson Location 1759 Quoekie Road, Nyamup</p>	<ol style="list-style-type: none"> 1. Rural Use 2. Craft Workshop and Sales Gallery (Light Industry) 3. Caretakers House 4. Employee Dwellings (Multiple Occupancy) 5. Chalets 6. Caravan Park 7. Camping Ground 8. Residential Building 9. Health Centre 10. Place of Public Assembly 11. Place of Public Worship 12. Office/Reception Area and 13. Educational Establishment 	<ol style="list-style-type: none"> 1. Development of the land shall generally be in accordance with the endorsed Development Guide Plan. 2. The maximum number of Caretakers House/Employee Dwellings (Multiple Occupancy) permitted shall be 9. 3. The maximum number of Chalets (Holiday Accommodation) permitted shall be 3. 4. The maximum number of caravan bays permitted shall be 10. 5. The maximum number of camping sites permitted shall be 10. 6. Such Clearing Licences, Conservation Covenants and Agreements to Reserve as may be required by the Department of Environment to be entered into by the developer. 7. No buildings to be established within 100m of the existing plantation to the south of the property or within 100m of the state forest. 8. A Fire Management Plan shall be prepared for the land in consultation with the local government, DEC and the Fire and Emergency Services Authority of Western Australia of WA and shall be approved by the local government prior to development. Implementation of the Plan will be required as a condition of development approval. 9. Removable dwellings to the satisfaction of the local government are to be constructed for employees.

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		10. In the event of the Health Centre ceasing operations employee dwellings are to be removed.
Special Use Zone No. 4 Nelson Location 9017 Pioneer Road, Northcliffe	<ul style="list-style-type: none"> • Single House • Grouped Dwelling • Rural Use • Home Occupation • Industry—Cottage • Day Care Centre • Place of Public Assembly • Public Utility • Private Recreation 	<ol style="list-style-type: none"> 1. Development shall be in accordance with a Management Agreement and Development Plan or any subsequent amendments thereto approved by the local government. 2. Buildings within the zone will be restricted to sites approved in the Development Plan. 3. The maximum number of dwellings is 8. 4. The local government will not recommend support for any subdivision application.
Special Use Zone No. 5 Windy Harbour Windy Harbour being Reserve No. 38881 comprising of NL 12439 and NL 13304.	<p>Holiday Cottages Holiday Accommodation Caretakers Dwelling Activities conducted by professional fishermen in accordance with their lease provisions Public Recreation Public Utility Ancillary Uses (as determined by the local government)</p>	<ol style="list-style-type: none"> 1. Unless otherwise provided for, the use and development of the site is to conform with the endorsed Windy Harbour Management Plan (WHMP) which shall be regarded as an adopted Structure Plan for the purpose of the Scheme and which shall be read in conjunction with the Scheme. 2. The overall objective (Vision Statement) for Windy Harbour is to— <i>manage Windy Harbour as a district and regional coastal holiday and recreation destination, while recognising the limited servicing, strong community associations, cultural heritage and environmental context.</i> 3. The environmental objectives for Windy Harbour are that— <ul style="list-style-type: none"> • ongoing management of the reserve will be done in a sustainable manner while accommodating district and regional level recreation demands; and • environmental management will recognize the context and function of the settlement within the broader natural environment and its relationship to the D'Entrecasteaux National Park. 4. The economic objectives for Windy Harbour are that— <ul style="list-style-type: none"> • funding of principal recurrent operations should be sourced from a combination of user pays, municipal resources and external sources and should not

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>significantly disadvantage other ratepayers within the municipality.</p> <ul style="list-style-type: none"> • at every opportunity non-recurrent local projects should be funded externally to the local government's general revenue; and • regional non-recurrent projects should be treated on a case by case basis and may involve State and Federal assistance. <p>5. The social objectives for Windy Harbour are that—</p> <ul style="list-style-type: none"> • ongoing management of the reserve will recognise that Windy Harbour is predominantly a family holiday and recreation destination; • the ongoing management will predominantly focus on district demands, while ensuring regional demands do not erode the essential attractive characteristics of the area; and • development standards should recognize the “informal” holiday and recreation functions of the area, as distinct from traditional urban areas. <p>6. All use and development shall require the approval of the local government.</p> <p>7. The local government may prepare and adopt Local Planning Policies for Windy Harbour including guidelines for development standards, design and landscape guidelines. These Policies shall be prepared and approved in accordance with Clause 2.4 of the Scheme. The policies shall be read in conjunction with the WHMP.</p> <p>8. In determining any application at Windy Harbour the local government is to have regard to—</p> <ul style="list-style-type: none"> • the requirements of the WHMP; • any associated local planning policies; and • the matters contained in Clause 10.2 of the Scheme. <p>9. The local government may approve other minor uses and development at the site</p>

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>provided that it is satisfied that those uses or development are—</p> <ul style="list-style-type: none"> • ancillary and beneficial to the settlement; and • consistent with the above objectives.
<p>Special Use Zone No. 6 Nelson Locations 10935 and 4204 Vasse Highway, Pemberton</p>	<p>1. See “Conditions of Use”</p>	<ol style="list-style-type: none"> 1. The subject land shall be developed for an integrated agricultural/horticultural and residential cluster (and tourism development) based on a Survey Strata subdivision. 2. Subdivision and development of the land shall generally accord with the endorsed Development Guide Plan. 3. Prior to the approval of a Survey Strata subdivision plan, the proponent shall first satisfy the local government and the Western Australian Planning Commission that the following matters have been properly addressed (consistent with the need to provide for services, land use activities and management controls for the land)— <ol style="list-style-type: none"> (a) Supplementary water supply details for the purposes of garden and stock watering— including storage requirements, anticipated delivery systems and volume of supply per household. (b) Effluent disposal details—particularly with respect to the type of system(s) to be used, the necessary setbacks from watercourses and water storage dams. (c) Road construction, and associated drainage, standards, (d) Building materials and design guidelines/selections for all buildings proposed. (e) Property management arrangements required by the local government and the Western Australian Planning Commission. These management arrangements are to address the following issues (and any other issues determined to be necessary for inclusion by the local government)— <p>The establishment of—</p> <ul style="list-style-type: none"> • a “theme”; • the Strata Company;

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<ul style="list-style-type: none"> • input by public authorities; • appropriate strata title by-laws; • architectural guidelines; • exclusive use by-laws; • services to be provided by the Strata Company; • dispute resolution guidelines and appropriate penalties; • a programme of Staged Development; and • a Vineyard Management Plan <p>4. Proposed Lots 1 to 20 shall be developed for the purposes of viticulture (or any other agricultural/horticultural land use approved by the local government) and residential development. Residential development shall be confined to those portions of each lot designated for such purpose on the endorsed Development Guide Plan.</p> <p>5. Development of the proposed dwellings shall comply with the local government's Local Planning and other Policies—as Adopted from time to time—in relation to building (including outbuilding) heights and areas, water supply and effluent disposal criteria etc.</p> <p>6. Setbacks for residential development shall comply with the "R5" density code in the Residential Design Codes.</p> <p>7. Each dwelling shall incorporate a roof catchment of at least 200m², and be connected to a water storage tank with a minimum capacity of 92,000l, to the satisfaction of the Health Department of Western Australia.</p> <p>8. All dwellings, ancillary buildings and water tanks shall be constructed of non-reflective material.</p> <p>9. All dwellings shall comply with AS3959—1991—"Construction of Houses in Bushfire Prone Areas" or other amended Australian Standard.</p> <p>10. Proposed Lot 21 shall be developed as a tourist accommodation facility, comprising a lodge, chalets and</p>

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>associated facilities. This development shall be subject to the local government approval as an "A" Use under the Scheme. Matters to be satisfactorily addressed by the proponent for Lot 21, prior to the local government issuing any development approval, shall include—</p> <ul style="list-style-type: none"> • effluent disposal and water supply; • building design and materials; • visual impact and any remedial action proposed in this regard; • fire management plans; • access and servicing details; • landscaping. <p>The local government shall not approve any development application on Lot 21 unless the required on-site effluent disposal capacity has been proven to the satisfaction of the local government and the Health Department of Western Australia.</p> <p>11. Proposed Lot 22 shall be developed for a Cafe/Art and Craft Gallery, and for Recreational Fishing, with ancillary facilities. Such development shall be subject to prior approval as an "A" Use under the Scheme. Matters to be considered by the local government shall be the same as those outlined in preceding Clause No. 10.</p> <p>The local government shall not approve any development application on proposed Lot 22 unless the required on-site effluent disposal capacity has been proven to the satisfaction of the local government and the Health Department of Western Australia.</p> <p>12. Lot 23 on the Development Guide Plan shall be developed for access, water supply and winery purposes—subject to the local government approval.</p> <p>13. All buildings shall be setback a minimum of 100m from the adjoining State Forest and 50m from any existing water bodies (unless it can be demonstrated by the proponent that a lesser distance will not compromise fire protection requirements or water quality).</p> <p>14. Dams shall only be permitted on common property.</p>

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>15. A Fire Management Plan (FMP) shall be prepared by the proponent in consultation with the local government, the DEC and Fire and Emergency Services. This FMP shall require endorsement by the local government prior to the lodgement of any application for Survey Strata subdivision or development. Full implementation of the FMP shall be required prior to any development commencing.</p> <p>16. Perimeter fencing of the Strata Title allotments will not be permitted. Any fencing to be installed shall be limited to the immediate curtilages of the proposed residences.</p> <p>17. A detailed site revegetation programme shall be submitted to the local government and require endorsement prior to the lodgement of any application for Survey Strata subdivision or development. The revegetation programme shall document planting locations, species, and the ongoing management of the revegetation, so as to minimise any undesirable visual impacts of proposed dwellings from Vasse Highway.</p> <p>18. The proponent implementing a statutory mechanism to the satisfaction of the local government limiting or restricting domestic animals to prevent impact on the adjacent State Forest.</p>
<p>Special Use Zone No. 7 - Lots 200, 201, 1, and Loc 7256, Golf Links and Pemberton North Roads and Vasse Highway, Pemberton.</p>	<p>The “General” and “Subdivision and Development Statements” of the Subdivision and Development Concept Plan forming part of Amendment No. 115 to revoked Scheme No. 2 form part of the Scheme and are to be read as if they were included within the Scheme itself.</p> <p>Within the area of the “<i>Subdivision and Development Concept Plan</i>” shown as “Special Residential” the following shall apply—</p> <ol style="list-style-type: none"> 1. Unless otherwise specified, the Special Use Zone Permitted Uses specified shall be deemed to be an “A” use for the purpose of Clause 4.19.2 of the Scheme. 2. A Dwelling-Single in the area shown on a “<i>Structure Plan</i>” as 	<p>(a) A <i>Structure Plan</i> shall be prepared, submitted to, and approved by the local government and the Western Australian Planning Commission prior to the commencement of any subdivision on land within this Special Use Zone and shall be adopted by local government and endorsed by the Western Australian Planning Commission in accordance with section 6.4 of the Scheme.</p> <p>(b) Subdivision and Development shall generally reflect the “<i>Subdivision and Development Concept Plan</i>” adopted by local government on 22/11/2007 and the landscape, agricultural, effluent and drainage assessments included as part of the Amendment Report. The required <i>Structure Plan</i> is to be in general accordance with the adopted <i>Subdivision and Development Concept Plan</i>.</p> <p>(c) Subdivision shall be implemented in a staged fashion in response to market demand.</p> <p>(d) The following Management Plans, Strategy, Guidelines and Impact</p>

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
	<p>“Special Residential” and designed in accordance with the building design guidelines and located with building setbacks specified in the “<i>Structure Plan</i>” shall be deemed to be a “P” use for the purpose of Clause 4.18.2 of the Scheme.</p> <ol style="list-style-type: none"> 3. Home Office within a Dwelling-Single shall be deemed to be a “P” use for the purpose of Clause 4.19.2 of the Scheme. 4. Public Recreation shall be deemed a “P” use for the purpose of Clause 4.19.2 of the Scheme. 5. Family Day Care Centre. 6. Bed and Breakfast 7. Community Purpose 8. Home Business 9. Home Occupation 10. Home Holiday Accommodation <p>Within the area of the “<i>Subdivision and Development Concept Plan</i>” shown as “Rural Tourist”—</p> <ol style="list-style-type: none"> 11. Dwelling—Single House 12. Restaurant 13. Cellar Door Sales 14. Bed and Breakfast Accommodation 15. Caretakers Dwelling 16. Home Business 17. Home Occupation 18. Home Office 19. Home Holiday Accommodation 20. Private Recreation 21. Reception Centre 22. Shop that is ancillary to a tourist development and not exceed 50m² NLA. 23. Industry—cottage 24. Rural Pursuit 25. Aquaculture 	<p>Assessment shall be prepared by the Proponent prior to the adoption of a “<i>Structure Plan</i>” and be to the satisfaction of the local government.</p> <p>(e) A Drainage Management shall be prepared and submitted to the local government for approval and this Plan shall address—</p> <ul style="list-style-type: none"> • a management of stormwater on site; • provision of nutrient, sediment and pollution stripping mechanisms (in consultation with the Department of Water); • impacts on river systems, including during construction; • means by which water sensitive urban design principles and best management practices and monitoring requirements are incorporated in to the development; • contingency provisions in the event that the criteria established for water quality and quantity are not met; • peak discharge from the subdivision and development not exceeding the peak discharge prior to subdivision and development; • the extent of any localised flooding on the subject land ensuring that no development is located in flood impacted areas and recommending setbacks to minimise risk; and • management of any existing and future dams. <p>(f) An Access Strategy shall be prepared and submitted to the local government for approval and this Strategy shall address—</p> <ul style="list-style-type: none"> • all accesses at practical and safe locations; and • suitable legal agreements between the Proponent and the Shire to clarify the approach to contributions for upgrading roads and intersections etc as well as the staging of the road infrastructure requirements. <p>(g) Building Design Guidelines to achieve higher standards of development sympathetic to Pemberton’s character/climate, that avoid replicating “standard metropolitan building designs” and which promote sustainability principles;</p> <p>(h) A Fire Management Plan shall be prepared and submitted to the local government for approval and this Plan shall—</p> <ul style="list-style-type: none"> • address the “<i>Planning for Bush Fire Protection</i>” document; and

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<ul style="list-style-type: none"> • ensure that future development is appropriately designed, has suitable infrastructure/facilities and is compatible with adjoining land uses including the Department for Environmental and Conservation Estate. <p>(i) An Agricultural Impact Assessment shall be prepared and submitted to the local government for approval and this Assessment shall address—</p> <ul style="list-style-type: none"> • the requirements of the Western Australian Planning Commission’s Statement of Planning Policy 2.5; • compatibility of proposed land uses with current adjoining/nearby agricultural land uses; and • compatibility of proposed land uses with the subject land. <p>(j) For all lots within 250m of Golf Links Road and the common boundaries between Lots 1 and 201 of the subject land and Nelson Location 7485, prospective purchasers and their successors in title to be made subject to such legal arrangements as may be determined as being appropriate to prevent the lodgement of complaints about the conduct of standard agricultural practices on adjoining or nearby priority agricultural land. Lot titles are to be endorsed accordingly. The owners of all other lots within the subdivision are to be made aware of intensive agricultural operations within close proximity through an appropriate Section 70A Notification pursuant to the Transfer of Land act on each title.</p> <p>(k) A Landscape Management Plan shall be prepared and submitted to local government for approval and this plan shall address—</p> <ul style="list-style-type: none"> • the “strategic” landscape design along with associated planting and other key measures; • a landscaping “theme/s” for the entire estate along with consideration of the longer-term management and appropriateness of the vegetation; • revegetation required to address natural resource management and water management requirements; • appropriate street tree planting; and • visual impact analysis. <p>(l) The community purpose site and Public Open Space will be ceded free-of-cost to the local government in order to ensure that an appropriate</p>

Zone Identification	Special Use Zone Permitted Uses	Conditions Of Use
		<p>community facility is established, a "Memorandum of Understanding" will be prepared between the Proponent and the local government to ensure construction of a community facility at a future date consistent with the local government's budgetary commitments and residents needs.</p> <p>The Proponent shall undertake an assessment of the future development potential of the "Rural Tourist" sites for land uses other than permanent residential and identify constraints that may impact on development.</p>

Schedule Seven
ENTERPRISE ZONE

Schedule 7 relates to additional requirements and modification to the provisions of the Scheme Text for Specific Enterprise areas. In addition to provisions elsewhere in the Scheme the following provisions apply. Where there is any inconsistency the provisions below shall prevail.

Zone Identification	Special Use Zone Permitted Uses	Conditions of Use

Schedule Eight
PLANNING PRECINCT STATEMENTS

1.0 PLANNING PRECINCT STATEMENTS ARE IDENTIFIED TO PROVIDE FOR THE FOLLOWING—

1.1 The local government's objective, recognising the historic, townscape, environmental, or other significance of the precincts, is to ensure retention of the character of the precincts as a whole and the buildings within them. The local government will adopt, following advertisement thereof and consideration of any submissions, a statement of policy and development guidelines for the precincts, and these shall be kept and made available at the office of the local government.

1.2 The local government will require that development or works which are the subject of an application for Planning Approval adhere as closely as possible to the intent of the policy statement and to the development guidelines, and the local government when considering the application may negotiate with the applicant means of carrying out the development in order to achieve the local government's objective.

Unless the prior Planning Approval of the local government has been applied for and obtained—

- partial or complete demolition or removal of a building; or
- works which affect the external appearance of a building; or
- construction of additions, outbuildings and fences; or
- construction of new buildings,

the aforementioned are not permitted and are contrary to the provisions of the Scheme.

1.3 Where Planning Approval is granted under the provisions of this clause, the local government will require that buildings or other structures are of design and materials compatible with other buildings in the Special Precinct and the intent of the local government's objective.

1.4 The provisions of this clause will apply in addition to any other scheme requirement applying to zones in the scheme, and where any provision of this clause is inconsistent with any other requirement of the scheme, the provisions of this clause shall prevail.

1.5 Notwithstanding the provisions of the Residential Design Codes, the local government may vary the front building setback within any Special Precinct in order to achieve a consistent structure in keeping with the original streetscape.

2.0 MANJIMUP

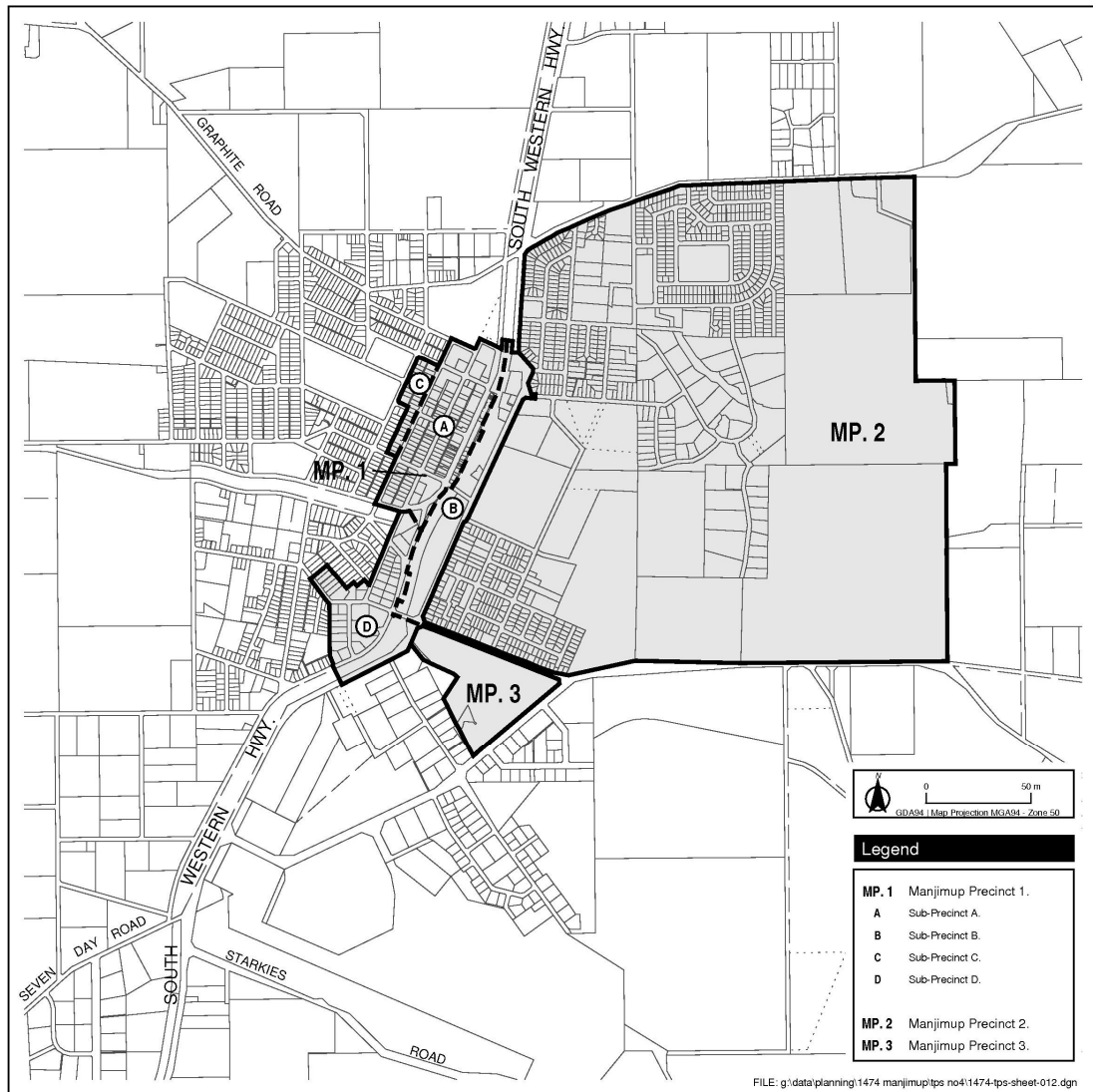
2.1 Manjimup Precinct 1—Town Centre

The Town Centre Precinct has been identified to provide for a broad range of uses including retail, commercial and professional offices, service commercial and service industry, tourist-related businesses and accommodation, residential, community and medical facilities and the opportunity to allow innovative proposals.

The area is bounded approximately by Mottram Street and the South Western Highway, Edwards, Bath, Chopping, Lock and Moore Streets.

The exact boundaries of this Precinct are defined on the Scheme Maps.

Most of the land within this precinct is zoned Town Centre to provide the flexibility in exercising planning control required to respond to the demands of a growing rural and tourist service centre. The commercial centre lies adjacent to underdeveloped or surplus railway land adjacent to the rail line and station.



The Precinct includes the Commercial and Service Industry activities which have developed southward along Giblett Street and Chopping Street. In the long term the land adjacent to the rail reserve will provide for the expansion of the town centre land use category and includes lots along the railway line that have been leased from the Government for many years and recently converted to freehold.

The mix of town centre activities also occupying and adapting residential properties occurs to the west along Bath and Moore Streets. Such activities include professional offices, medical practitioners and legal services.

Manjimup's town centre is characterised by a diversity of building heritage values, architectural themes, styles and building ages. Forests and natural ecosystems together with an exciting and interesting mosaic of landscapes and diversity of uses dominate the town surrounds.

The challenge for Manjimup architecture, land use and development is to express this character in a manner that also reflects the success of this diversity allowing differences to enhance the interest in, and vitality of the town centre.

Leasehold and freehold lots along the railway line with frontage to Mottram and Giblett Streets have been created around existing businesses. In many cases, existing buildings have zero or odd setbacks which would not comply with current “commercial” standards. Lot sizes range from less than 200m² to over 5,000m² and the subject businesses thereon contribute significantly to the economy of the town centre.

The Precinct also extends through Rose Street to Bath Street and includes the community and medical activities present in the area. Houses fronting some portions of Rose Street have also been included, and would be suitable for office and / or other low-impact businesses and consulting rooms.

The range of permitted or discretionary uses in the Scheme is appropriately wide to ensure that reasonable proposals which maintain proper and orderly planning can be accommodated. Mixed uses, such as a shop or office combined with residential uses will be encouraged.

The lots south of Lock Street are larger lots that have been and should continue to be used for service and service commercial land uses. Lots fronting Bath Street have been developed mainly for housing and these buildings are generally suitable for conversion or redevelopment for offices and lower turnover shops. The central business and shopping area is along Rose and Giblett Street.

All land use proposals which are either permitted or discretionary uses will be considered on their merits. Where the local government is exercising its discretion it will take account of this Precinct Statement.

To provide further, more detailed guidance for development the Precinct has been divided into 4 Sub-Precincts.

2.1.1 Sub-Precinct A

This includes the traditional town commercial and business centre of Manjimup where in determining applications for planning and/or development approval, the local government will be guided by the following—

- The necessity for flexible setbacks to be applied to existing and new buildings on railway leasehold land between Giblett Street and Mottram Street;
- Continuation of the individuality between adjoining buildings are representative of most eras. This diversity and the low-key nature of the town centre will be reinforced and encouraged, as it is this very diversity that attracts such interest.
- Development will be encouraged to—
 - combine a wide range of uses and to include opportunities for combined residential and commercial or office uses;
 - accommodate tourist and entertainment oriented activities;
 - maintain a mix of larger and small scale development but where larger new developments and designed to appear as smaller more interesting units that relate to the street and are interesting for pedestrians;
 - create small scale one and two storey shops and other buildings with varying styles;
 - require new developments and renovations to be designed to be pedestrian oriented where sheltered outdoor spaces are created where footpath and open space awnings are developed for pedestrian comfort; and
 - the preservation and enhancement of buildings representative of the “art deco” or “jazz age” and those buildings on the Heritage Inventory.

2.1.2 Sub-Precinct B

The drive along Mottram Street forms part of the “forest like” landscape character of the area and part of the most prominent visual impression of the town.

Design of development must have due regard for the aesthetic impact of development along Mottram Street and South Western Highway as it is the main tourist route through the town. Pedestrian and visual linkages between this land and the town centre (west of the railway) must be key considerations in any development proposal in this area.

It is important that access to the central part of the town centre is encouraged and that activities on Town Centre zoned lots along Mottram Street and South Western Highway create linkages to the town centre (the portion west of the railway). They must not detract from the landscape along this road and should limit the number of access points. Until there is an adopted traffic safety and management plan for Mottram Street, access and egress will be a key consideration in determination of a planning application.

Planning and development within this Sub-Precinct will encourage and support—

- Ongoing redevelopment of vacant railway land to create a visual linkage and pedestrian connection between Mottram Street, South Western Highway and the town centre, including a park and facilities for parking vehicles—including caravans and trucks—to encourage people to stop, shop and visit the town;
- Maintenance of the safety, character and amenity of the South Western Highway, Mottram Street adjacent to this Precinct to retain and enhance the “forest like” streetscape and avoid or modify any development that the local government considers detrimental;

- Development of the townscape in this precinct to retain the open spaces, rural service centre character, and individuality of each business;
- Development applications will therefore be required to—
 - protect and enhance the forest like streetscape along Mottram Street and the South Western Highway;
 - encourage improvement of the rear aspect and amenity of development on either side of the railway line.
 - encourage passing motorists to stop and enter the town, through an inviting design that raises awareness and/or opens the town centre visually and physically to the highway;
 - provide safe traffic entry point(s) off the Highway and otherwise that enable an efficient parking facility close to the railway line and to provide efficient and workable parking for local workers within the vicinity;
 - provide safe and efficient pedestrian crossings over the railway line and the South Western Highway to ensure community safety, adequate site distances for vehicles, and access into and through the area. To include suggested modifications to Mottram Street, the South Western Highway, particularly including median islands to ensure local pedestrian traffic has safe crossings; and
 - minimise the number of access points onto Mottram Street and South Western Highway.

Within this area the local government will consider each planning application on its merits but will actively encourage the following uses—

- commercial type—the display, sales and provision of information for products produced in the local government area such as specialty crops, horticulture, fruit vines and forest products;
- a variety of tourist accommodation;
- tourism and recreation ticket sales;
- restaurants and cafes; and
- non-commercial visitor centre, museum, gallery, booking centre, location for displays and markets.

In the case of lots being developed fronting Mottram Street and South Western Highway, the local government may specify that the existing vehicular crossover(s) be closed where an alternative access point to the lot is most desirable and can be provided.

Notwithstanding other Scheme provisions, the local government will require the development of any lot fronting Mottram Street to include a minimum of 5m wide landscaping strip planted to complement the “forest like” streetscape to the local government’s specification and satisfaction.

Any development which backs onto the Railway reserve must install safety fencing at the rear of the property to the local government’s specifications and satisfaction.

Development of lots which require access and egress onto Mottram Street will not be permitted until there is an adopted plan for managing parking for heavy haulage trucks and caravans.

2.1.3 Sub-Precinct C

Development in the area bounded by Bath Street, Mount Street, Moore Street and Brockman Street will allow for the full range of Town Centre uses, landowners will be encouraged to utilise existing housing or modify existing houses for redevelopment but where the residential scale and character is maintained and enhanced and is compatible with adjacent development but which—

- does not generate large traffic volumes;
- provides for low intensity commercial, business and office activities;
- is not detrimental to the residential amenity of adjacent Residential zones; and
- retains or enhances important streetscapes including the character of structures within the Precinct.

2.1.4 Sub-Precinct D

Development in the area south of Lock Street will allow for the full range of Town Centre uses, however landowners will be encouraged to—

- develop those commercial uses requiring larger lots where storage and less commercial areas are required, which would generally be expected in a major rural service centre and which are not necessarily required to be located in an Industry zone (eg. sale of trucks/farm machinery/cars, sale of white goods, stock and station supplies). While not precluding retail development within this Sub-Precinct, such development is encouraged to locate within Sub-Precincts MP 1A, the northern portion of Sub-Precinct MP 1B and in Sub-Precinct MP 1C.
- provide the development of visually interesting, simple buildings maintaining the country character of the locality; and
- provide development which is not detrimental to the residential amenity of adjacent Residential zones.

Discretion for flexible setbacks are to be applied to existing and new buildings on railway leasehold land between Giblett Street and Mottram Street.

2.2 Manjimup Precinct 2—Eastern Residential

The Precinct includes residential and potential residential, and rural-residential lots with significant potential for subdivision. The majority of residential growth, when required, will occur within this precinct.

Planning should provide for—

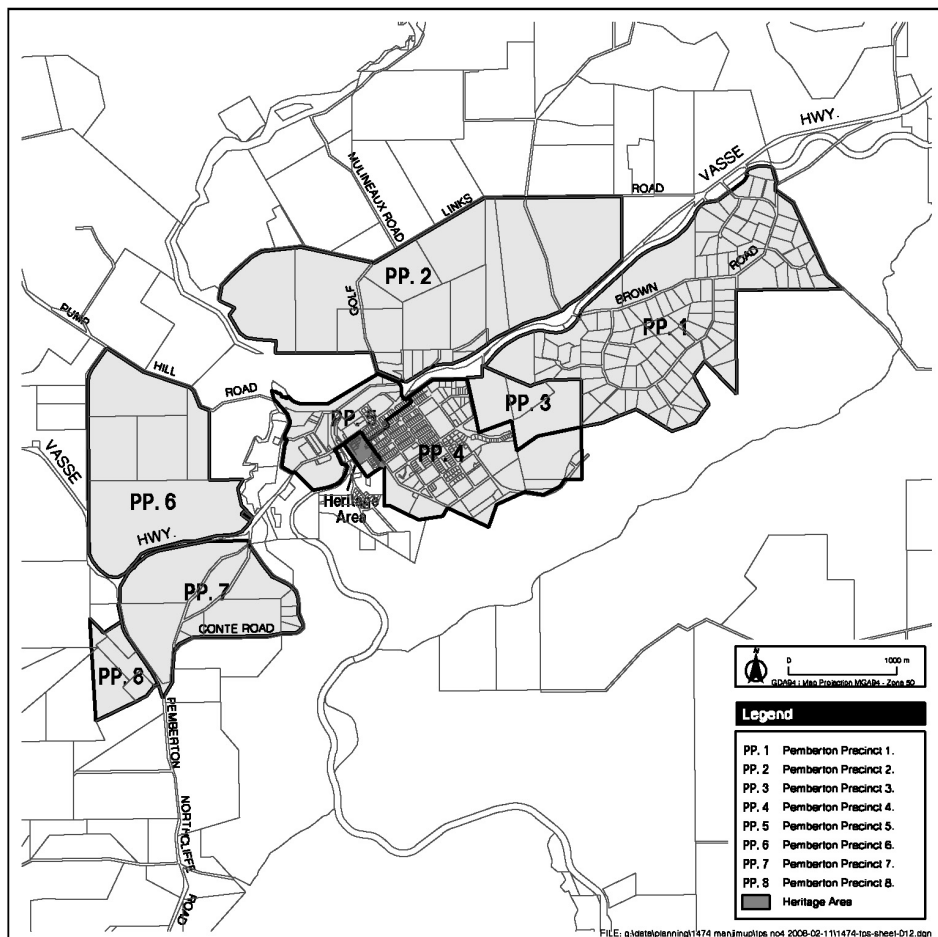
- compatible land use and management policies where agricultural production and activity is adjacent to residential and future urban uses;
- a variety of residential and lifestyle opportunities ranging generally between R5 and R20;
- a possible small neighbourhood shopping centre in the vicinity of the hospital and primary school to serve future residential growth to the east. This centre or land nearby could provide for a small medical centre;
- creating a high quality urban environment with pathways, cycle and bridle trails and open space linkages integrating water sensitive design principles and subdivision protecting drainage stream and creek lines, low lying and waterlogged areas and remnant vegetation;
- the requirement of structure plans where specified by the local government; and
- all development from R10 upwards will require connection to the reticulated sewerage system.

2.3 Manjimup Precinct 3—Government Purposes

This precinct formerly contained government housing, (Government Employees Housing Authority-GEHA) together with (still remaining) government departments, including DEC. The GEHA housing has predominantly been salvaged and removed and the former housing site is in close proximity to industry and similar activities, which are not generally compatible with residential usage. Residential housing should not be permitted in this precinct and Government offices and departments, particularly the depot and workshops, should be encouraged to locate into this precinct.

3.0 Pemberton

The local government's objective is to recognise Pemberton's historic and townscape significance and the potential for the town to continue to develop into a significant tourist and recreational centre for the district and therefore to ensure the retention of the heritage landscape and environmental attributes forming the character of the town.



3.1 Pemberton Precinct 1 (PP1) Brown's Road

This precinct contains the Brown's Road Rural Residential zone. Over time, a number of small-scale commercial activities have been introduced in conjunction with a residence.

Significant commercial activities should not be located in this Precinct but there is nevertheless a need to recognise the potential opportunities for part or full-time incomes being generated from these lots by Cottage industries through controlled, small sales of goods produced on the property.

Subject to the safety and amenity of the area being protected, and a proponent satisfactorily addressing other relevant planning considerations, activities outlined below (or similar) will be considered on their merits in the Brown's Road Rural Residential zone—

- rural pursuits;
- home occupation/home business;
- industry—cottage; and
- bed and breakfast / guest houses/holiday houses.

Rural pursuits should not adversely affect the residential amenity, landscape and environment of the locality.

A Residential Duplex will not be permitted in the Rural Residential zone.

Products produced on the property may be sold from that property subject to restricting the hours of operation to protect the amenity of neighbouring properties subject to the local government's discretion and any conditions necessary to minimise potential adverse impacts. There is a presumption against goods not grown or manufactured on the property being retailed from the property.

3.2 Pemberton Precinct 2 (PP2) Golf Links Road

The land within this precinct is scenic rural land characterised by pasture, trees, steep slopes, creeks and gullies, farmhouses and outbuildings, a golf course and some limited intensive agriculture (eg. orchard). This land is most attractive, providing a high quality landscape entry to Pemberton from the east.

This precinct is approximately the same size as the Brown Road estate and comprises two areas; land comprising Lots 1, 200, 201, and Location 7256 Golf Links and Pemberton North Roads and Vasse Highway which is included within a Special Use Zone and the balance of the Precinct which is included within the General Agriculture Zone but with a Development Investigation Area No. 16 with the expectation that detailed structure planning will provide for Landscape Protection and Rural-Residential/Residential development.

It is intended that future development would be required to provide a more innovative development form to enhance, rather than degrade, the landscape features. To achieve this, future development would need to be guided by one or more endorsed Structure Plans. This Plan (or these Plans) would provide for innovative responses to the landscape, setting and topography.

Planning should provide for the following—

- The provision of Rural Residential/Residential and Golf Course uses on lands identified as suitable for these uses subject to providing—
 - a range of low density rural-residential uses;
 - larger lots adjacent to agriculture to avoid land use conflict;
 - restricting dwellings from an area within 150m of Golf Links Road and Kemp Road to ensure the buffer from the adjacent agricultural operations is predominantly contained within the land being developed;
 - a plan to avoid lands with slopes exceeding 10%, which should be subject to landscape protection;
 - for the need to address conservation, landscape buffers, management and tenure of open space, watercourses and remnant vegetation;
 - for development to create nodes/clusters to compensate for the large areas of undeveloped open space;
 - a range of acceptable uses to rural pursuits (without stock) and home occupations;
 - tourist accommodation on appropriately zoned land integrated within the Structure Plan(s). The blocks along the Lefroy Brook valley visible from Vasse Highway provide a very important landscape feature and this could be retained by allowing tourist opportunities designed to preserve the character of this land; and
 - plan for and provide pedestrian and cycle linkages to town.
- The provision for Recreation / Conservation areas which—
 - includes steeply sloping land vulnerable to erosion and protects drains, creeks and streams. The Structure Plan(s) would identify the land to be retained as open space to protect the landscape character, steep slopes and riparian corridors;
 - seeks to conserve and enhance outstanding environmental and scenic features and remnant vegetation;
 - identifies appropriate land tenure being a combination of private and public ownership and management; and
 - may include nature-based, low impact tourist and recreation activities.

- The area is outside the current water supply and sewerage schemes. Provision of scheme water would require a review of the reticulation scheme, and may need new pumps and elevated tanks.
- Further assessment of land capability is required to justify alternatives, including on-site water collection and storage (eg. dams) and on-site wastewater collection, treatment and disposal. Electricity must be extended to the subject areas.
- Planning will need to accommodate existing agriculture if it is to continue on part of the area while other areas are developed.”
- With respect to the area comprising Lots 1, 200, 201, and Location 7256 Golf Links and Pemberton North Roads and Vasse Highway, subdivision and development including landscape protection areas will accord with the provisions of this clause and with the provisions of the Special Use Zone as set out at Entry No. 7 of Schedule 6—Special Use Zones except to the extent of any inconsistency in which case the provisions of Schedule 6 will prevail.

3.3 Pemberton Precinct 3 (PP3) Arboretum

DEC does not have an adopted strategy for the future use of this portion of the State Forest, which has been developed in the past as an arboretum. The precinct has both native and exotic trees and is dissected by numerous tracts and clearings.

Creating a vehicle and / or pedestrian link between the Brown’s Road estate and the town centre is most desirable and could be integrated into the future development. There are still issues to be addressed to create such a link to connect to Brown’s Road. However, there are opportunities to retain the landscape character of this precinct while providing opportunities for some tourism and recreation.

- The preferred uses for this precinct are recreation and tourism—for walk trails, picnic areas, interpretation, and other tourist-oriented activities.

3.4 Pemberton Precinct 4 (PP4) Urban Centre

The mill cottages from Dean Street to the Pemberton Karri Mill are typical timber-clad, corrugated iron roofed original cottages, characteristic of the timber industry. This historic node requires detailed planning to determine its future and the most realistic way of retaining where possible all of the cottages.

The tourist route along Robinson Street—between Brockman Street and the Gloucester Tree, should be developed to provide for pedestrian and vehicular tourist traffic with appropriate engineering of the road and footpaths, signage and information and landscape treatment.

Planning should provide for—

- residential development to typically an R20 standard subject to the availability of sewerage;
- tourist accommodation should be integrated within this precinct where it is compatible with adjacent uses;
- compatibility with the noise buffer from the Mill to the satisfaction of the local government; and
- the historic mill cottages west of Dean Street should, where possible, be retained for housing and the local government should support options including—
 - retention of a representative block of houses;
 - development at the rear of (and within) the houses to allow them to be brought up to modern standards while retaining the street façade and general character of the houses.

3.5 Pemberton Precinct 5 (PP5) Town Centre

This Precinct identifies and provides for the consolidation of the retail and commercial centre, while allowing for expansion up to, and including, the buildings on the south side of Guppy Street. The character of the current town centre precinct is enhanced by a most desirable aspect overlooking the Forest Park and historic community buildings.

Included in this precinct are the Mill Hall, library, St John’s Ambulance, child health centre, Anzac and Forest Parks, the “Southerners” football oval and new Recreation Centre, Pemberton Tourist and Discovery Centre (in the old school buildings Reserve No. 19566), Aged Care facilities, School Camp, the railway, Pemberton Pool, caravan park, the hospital and the Pemberton Karri Mill.

The range of uses and opportunities within this precinct are varied and the local government will retain such flexibility into the future. As a service and tourist hub the town centre can integrate old and new buildings within a unique landscape setting reflecting the karri forest character of the area.

Two plans have been produced which can guide the detailed development of this precinct. These are the *Pemberton Mainstreet Landscape Master Plan* (January 2002) and the principles contained in the *Pemberton Forest Park Masterplan Report and Design Guidelines* (November 2000)—both produced by Arbor Vitae must be given due regard.

Planning should provide for—

- retention of the existing outlook from the businesses at the northern entrance into the town centre over Forest Park;
- utilise the existing heritage buildings, including the Pemberton Tourist and Discovery Centre on Reserve No. 19566, for community uses and, if appropriate, tourist and commercial uses (where no community use is otherwise proposed and the commercial use will be compatible with other uses);

- provide for a broad range of commercial, tourist, residential / short-stay residential and other compatible uses;
- residential opportunities could be encouraged to be integrated with commercial developments if the proponent satisfactorily addresses noise issues from the Mill and other relevant planning considerations;
- compatible uses within the buffer of the Pemberton mill. Further tourist accommodation or noise sensitive uses will not be encouraged unless relevant issues are addressed to the satisfaction of the local government;
- consideration of the *Pemberton Mainstreet Landscape Masterplan* and the *Pemberton Forest Park Masterplan Report and Design Guidelines* is appropriate.
- endorsed streetscape proposals for Brockman Street, together with connections to tourist and recreation activities and uses in Forest Park, to be implemented;
- allow expansion of the town centre into the residential area along Guppy Street when demand requires but encourage retail uses to remain on Brockman Street—and less intensive uses (such as offices) to develop along Guppy Street;
- provision of a public road to connect Hospital Ave and Hepple Place; and
- retain the historic commercial strip and reinforce the area by concentrating shopping activities within this core, accentuating its function through concentration of the local government's fiscal and physical resources.

3.6 Pemberton Precinct 6 (PP6) Western Hills

The pastured, rolling hills to the west of the town provide a scenic backdrop to the town contrasting with the forest backdrop to the rest of the town.

Portion of the Precinct near the bridge on Vasse Highway is low lying and within the wastewater treatment plant buffer, and is therefore unsuitable for development.

Where the land rises towards Stirling Road, it would be suitable for urban development. However, the community favours retention of the existing landscape character. The northern sector is outside the view shed from Brockman Street and development would have less visual impact. Opportunities for a range of tourist uses, which are sited and designed to minimise visual impact, will provide an acceptable compromise.

Planning should provide for—

- rural, tourist and recreational development and possible residential development that can maintain the rural landscape through sensitively and discreetly sited structures;
- safe and efficient access between the subject land and the Vasse Highway to the satisfaction of the local government and Main Roads WA.
- tourist accommodation located to avoid conflict with adjacent agricultural activities;
- low-impact development benefiting from such a scenic location—such as chalets, adventure camps, wildlife park and other, similar activities;
- structure planning and where necessary an Outline Development Plan is required to ensure the above standards and to plan for the improvement and management of watercourses and remnant vegetation; and
- all services would require extension to service development. Low-density development may be acceptable utilising on site effluent disposal.

3.7 Pemberton Precinct 7 (PP7) Conte Road

This precinct is currently used for grazing and a tree plantation; however, the land is ideally located for expansion of the townsite in the longer term. The area is readily accessible to the townsite and close to services. The soil quality is generally suitable for development and the topography and setting provide an attractive site well concealed from significant viewpoints.

The existing tree plantation does create some constraints to any prospective developments and suitable setbacks for housing must be established as part of the formulation of an Outline Development Plan, which would be a necessary precursor to such development. Landscape buffers will need to be established along the adjacent roads and the proposed Industry Precinct (PP8) west of the Pemberton-Northcliffe Road and south of Vasse Highway.

Development of this Precinct will provide opportunities for a mix of residential, special residential and rural-residential lots. Cluster style development, protecting existing vegetation and establishing riparian corridors, will be encouraged.

Planning should provide for—

- a range of residential and lifestyle opportunities from residential through to rural-residential, incorporating innovative design responses to complement the landscape character of the area;
- provide interim measures to accommodate any impacts resulting from the management of adjacent farmland (including tree plantations);
- the formulation of a structure plan and an Outline Development Plan to guide development and protect and preserve environmental and landscape values will be required;
- the area is outside the scheme water and sewerage scheme and the extension of services, including the upgrading of power, will require further investigation; and
- safe vehicular movement at the intersections of Conte Road and Vasse Highway to the satisfaction of the local government and Main Roads Western Australia.

3.8 Pemberton Precinct 8 (PP8) Vasse Highway Industry

Having no vacant industrial land for light industrial purposes has been a deterrent to future expansion of the town's economic base, with the only zoned areas occupied by sawmills. Indications are that there is a pent-up demand for light industrial lots, which has resulted in a number of enterprises being established in the rural areas.

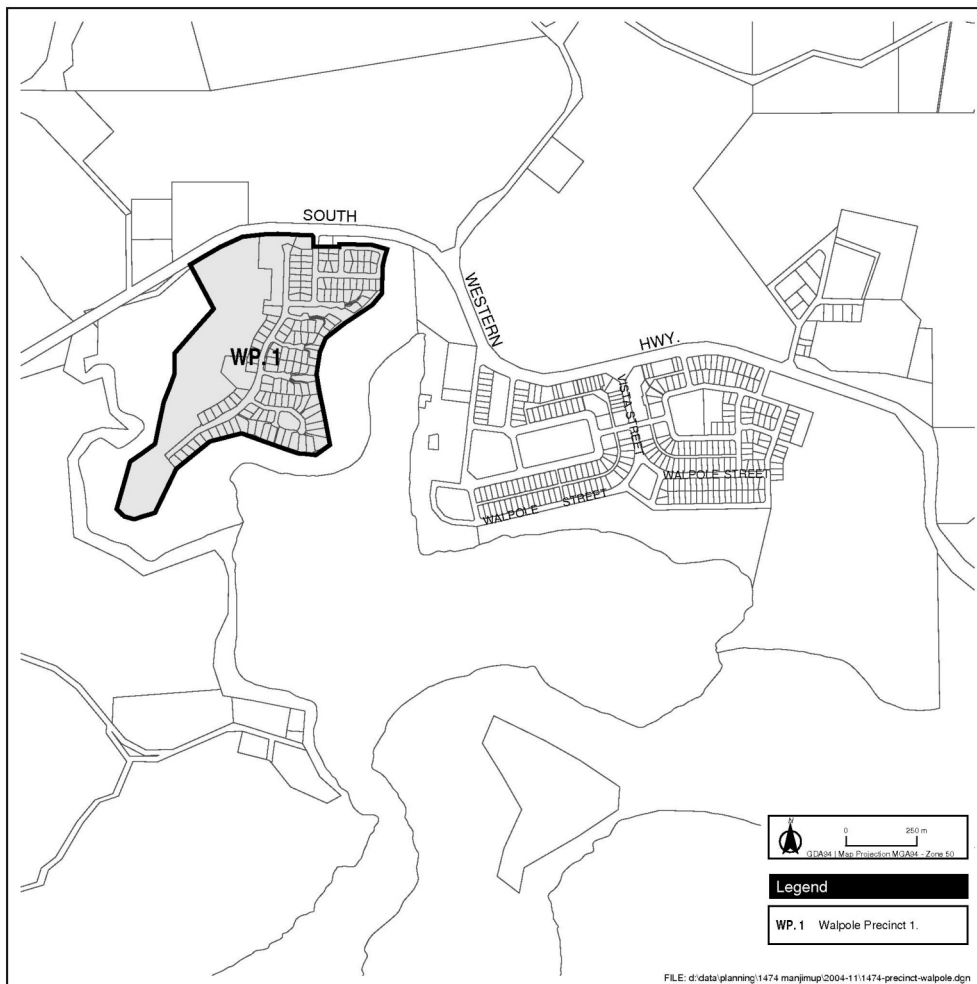
Any major and heavy industry should be located in or near Manjimup, however this Precinct is identified to provide for a range of light industries necessary to service Pemberton and agricultural areas in the vicinity subject to being zoned appropriately.

Planning for the area should—

- provide for industry—excluding heavy or noxious industry and only allowing general / light industry where potential adverse impacts can be managed and minimised;
- require structure planning to guide future development and to address landscape, drainage, servicing, development controls/guidelines, the range of uses, access and other planning considerations; and
- the area would require the upgrading and extension of all services and would require further investigation.

4.0 WALPOLE

4.1 Walpole 1—Boronia Ridge Residential Estate (Special Design)



The following provisions shall apply to all land within Boronia Ridge Residential Estate in addition to any provisions which are generally more applicable to such land uses under the Provisions of the Scheme.

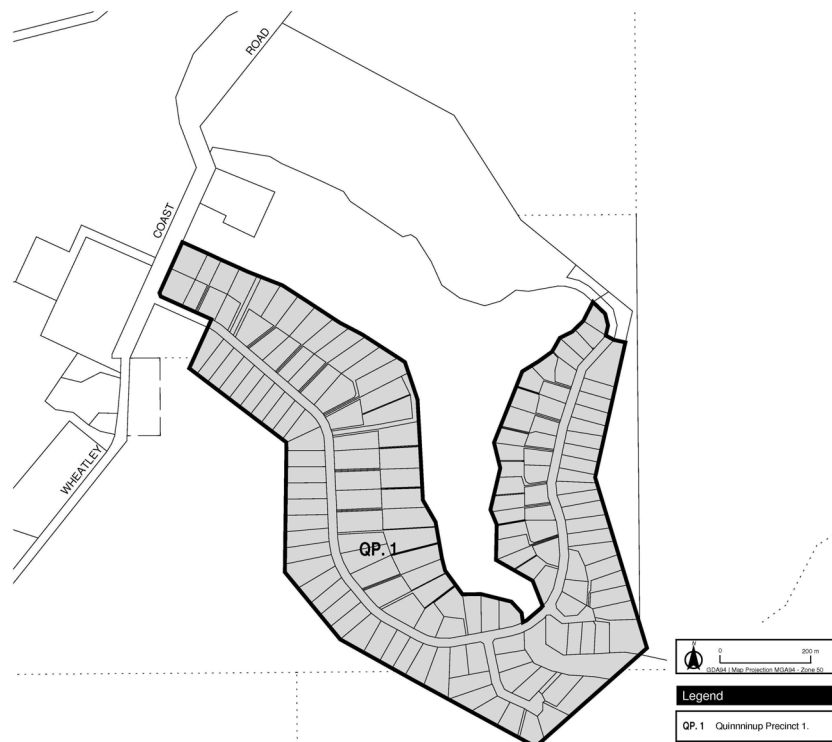
- (i) Prior to subdivision occurring in the Policy area, Structure Plan shall be prepared to the satisfaction of, and endorsed by, the local government and the Western Australian Planning Commission.
- (ii) This Policy Precinct area provides for special landuse and development control provisions, which apply to the subject land. The Precinct boundary as shown on the Scheme Map does not indicate the developable area of this land as this will be determined by the endorsed Structure Plan required by point (i) above.
- (iii) Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material.

- (iv) Carports and garages not located under the main roof of the residence shall be constructed of materials which match or complement the existing residence in respect of the pitch of roof, materials used, the design, colour and external appearance.
- (v) All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of materials or be of a colour, which is considered by the local government to be detrimental to the character of the natural landscape of the locality.
- (vi) All ground areas visible from the street or to any neighbouring owner shall be properly landscaped within four (4) months after completion of the construction of the residence. "Properly landscaped" means that all visible areas must be tidied and grassed and/or planted with trees and/or shrubs.
- (vii) No rubbish, trash, garbage or other waste material shall be accumulated, caused or permitted to be kept or accumulated on the lot except in containers screened from the public view obtained from the front street.
- (viii) Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved residence, outbuildings, driveways, or as otherwise approved by the local government.
- (ix) No residence or any part of a residence, or any other building (or part of any other building), shall be built or cause to be built on land which is outside the building envelope as shown in the endorsed Structure Plan.

The local government may, at the request of a landowner, vary the position, shape or size of a building envelope where it is of the opinion that the slope, vegetation or site conditions justify a variation. Building envelopes shall be sized to maximise the retention of native vegetation.

- (x) No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.
 - (xi) No livestock or animals shall be raised or kept on the land for commercial purposes.
 - (xii) No horses, goats, or any other animals likely to ringbark trees or damage vegetation and foliage shall be raised or kept on the land.
 - (xiii) No native vegetation or trees on the land shall be removed, damaged, destroyed or cause to be removed, damaged or destroyed except for the purpose of building an approved residence or structure or access thereto or to accommodate sensible bushfire prevention measures as determined by any relevant authority.
 - (xiv) No domestic cat or cats (*felis catus*) shall be kept or be caused to be kept on the land.

5.0 QUINNINUP (KARRI LAKES)



5.1 Subdivision

Subdivision shall be more or less in accordance with the endorsed Structure Plan. Lot sizes and frontages shall conform to R2.5 provisions of the Residential Design Codes, and applicants proposing additional lots will need to appropriately address land suitability and capability to the satisfaction of the Western Australian Planning Commission and the local government including addressing fire management, effluent disposal, vehicular access, other services, environmental impact, and coordination of subdivision and development with existing subdivision and development.

5.2 Open Space and Lake

5.2.1 Development shall not occur on land designated open space and lakes on the guide plan without the approval of the local government. For the purpose of this zone “development” shall be deemed to include the interference with or removal of soil and natural vegetation.

5.2.2 In granting its approval, the local government shall have regard to the ultimate purpose intended for the area and may consult with any public authority that has an interest in the reservation, before granting its approval.

5.3 Subdivision and Development Controls

5.3.1 Prior to a plan of subdivision being approved, that plan of subdivision shall designate areas on each lot as building exclusion areas or building envelopes. No dwelling or structure shall be built outside the area defined by the building exclusion areas or building envelope. The local government may at the request of a landowner or his representative vary the position, shape or size of a building envelope where it is of the opinion that the slope, vegetation, fire risks or site conditions justify a variation.

5.3.2 A landowner may clear up to 800m² of the live standing native trees within the approved building envelope or area permitted for development on the lot with other clearing to provide for vehicular access to the road system and requirements for fire control to the satisfaction of the local government. Clearing of additional non-native trees will be considered on its merits by the local government.

5.3.3 The texture, colour and architectural style of all buildings and structures (including fencing) shall be in keeping with surrounding buildings and the colours/textures of the site. Building materials are to be of a colour which is not detrimental to the amenity of the area, that is a non-reflective material (not zinalume).

5.3.4 No dwelling house shall be erected below the 114m RL AHD.

5.3.5 Swimming pools, tennis courts and the like shall be located within the building envelope or otherwise approved by the local government.

5.3.6 No dwelling house shall have a floor area of less than 100m² (excluding verandahs, carports and garages).

5.3.7 Conventional on-site effluent disposal systems must be located and installed such that there is at least—

- (a) a minimum of a 2m vertical separation between the base of the leach drain and the highest known groundwater level or bedrock; and
- (b) a minimum of a 60m horizontal separation between the effluent disposal system and the edge of the lake or the streams contained within the open space areas.

5.4 Fire Controls

The responsibility for the management of bush fire control measures is the responsibility of the landowner shall be as specified in the enabling act.

5.4.1 All buildings constructed shall by virtue of materials and design be reasonably fire resistant. The local government shall from time to time specify its standards for fire resistant buildings.

5.4.2 The landowner shall maintain firebreaks to the satisfaction of the local government, the Fire and Emergency Services Authority of Western Australia and the DEC.

5.4.3 The local government shall require all landowners to minimise the amount of inflammable materials on their land and clear all inflammable material save for live standing trees within a 20m radius around all approved buildings.

5.5 Provisions of Essential Services

5.5.1 Power Supply—the use of petrol and diesel driven independent electrical generators is prohibited within the Policy Area.

5.5.2 A water supply to service all lots in the Special Residential Area to be provided in accordance with the Agency responsible for the licensing of water, Water Corporation (or office of Water Regulation requirements if appropriate).

Notes: The Shire will not take responsibility for the maintenance and operation of the reticulated water supply system.

Schedule Nine
ADDITIONAL USES

	Zone Identification	Additional Permitted Use	Conditions Of Use
A1	Lot 65 Browns Road, Pemberton Lavender Farm	Shop Industry—Cottage Café Chalets	Floor area of development comprising shop, cottage industry and café not to exceed 80m ² GLA. Maximum 4 chalets.
A2	Lot 6 Kaba Grove	Chalets Caretakers Residence Private Recreation	1. Maximum 4 chalets. 2. Maximum 1 caretakers/owners residence (in total).
A3	Nelson Location 10221 Bridge Road, Walpole	Chalets	Maximum 8 chalets. Prior to any development commencing a fire management plan shall be approved by the local government.
A4	Lot 56 Blue Wren Court, Pemberton	School bus depot.	1. The local government shall require the owner or bus driver to reside on site. 2. With regard to the additional use of the land as a school bus depot, the local government shall require that school bus depot shall have the same meaning as laid down in the list of interpretations as a transport depot except that with regard to the subject site this definition shall relate specifically to the use of road motor vehicles for the sole purpose of carrying persons and not carrying or transfer of goods. 3. The local government shall require the number of buses associated with the school bus depot to be limited to 3. 4. The local government shall require repairs/maintenance carried out on-site to be limited to minor repairs maintenance only.
A5	Nelson Location 6258, Palgarrup	Recreational/Educational Camp Centre comprising 4 chalets, 10 unpowered camp sites and a bunkhouse	1. All as contained within partly implemented planning approval dated 3rd February 1992.
A6	Nelson Locations 1239, 1240, 7788, 7782 and 7576, Tinglewood Road, Deep River, Walpole	Educational Establishment—limited to the teaching and undertaking of outdoor recreation activities by a recognised outdoor education and activity provider	Nil
A7	Lot 193 Guppy Street, Pemberton	Holiday Accommodation	1. The maximum number of people capable of being accommodated on the site at any one time shall not exceed 20 persons. 2. The accommodation shall be used by members of the Western Australian Trout Fishing Association of Australia only and shall not be used for rental purposes as tourist accommodation.

	Zone Identification	Additional Permitted Use	Conditions Of Use
			3. Height limits above natural ground level of 6m to eaves and 10m to the highest part of the roof of any building shall apply.
A8	Lot 6 Stirling Road, Big Brook, Pemberton.	Holiday Accommodation	The accommodation shall not exceed 4 chalets and a bed and breakfast facility.
A9	Locations 8712 and 8713, South Western Highway, Crystal Springs near Walpole.	Multiple Rural Occupancy comprising a total of 8 dwellings as per outstanding planning approval.	<ol style="list-style-type: none"> 1. Predominantly the existing areas of natural vegetation shall be conserved but limited areas around dwellings and on cleared land may be used for the purposes of rural pursuit in accordance with a Structure Plan to be prepared by the owners and submitted to and approved by the Council. 2. A maximum of 8 dwellings is permitted on the combined land areas of Locations 8712 and 8713.

Schedule Ten

ENVIRONMENTAL CONDITIONS

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

Schedule Eleven

SPECIAL CONTROL AREAS

DIVISION A—PUBLIC DRINKING WATER SOURCE AREAS

1.0 PURPOSE AND INTENT

- (a) To identify the proclaimed Public Drinking Water Source Protection Areas (PDWSA).
- (b) To ensure that land use and development within PDWSA is compatible with the provisions and long-term management of water resources for public water supply.

2.0 REFERRALS OF APPLICATIONS

The local government is required to refer any development application within the PDWSA which involves the following activities to the Department of Water for advice prior to determination of the application—

- Potential for increased nutrient loading, in particular point source for nutrients, eg. poultry farm, piggery;
- Application of fertilisers and pesticides;
- Storage of chemicals, fuels and other potentially polluting substances;
- Substantial increase in run-off; and
- Any other impact which the local government considers could have an impact on the quality of public drinking water.

3.0 RELEVANT CONSIDERATIONS

3.1 In determining land uses and development proposals within Special Control Areas, the local government will have due regard to relevant State Government policies and the most recent Department of Water Land Use Compatibility Tables for PDWSA's.

3.2 Notwithstanding, the permissibility of lands uses in the Zoning Table, the following uses are not permitted within the PDWSA Special Control Areas—

- Abattoir;
- Piggery;

- Power Station;
- Fish Processing;
- Tannery; and
- Woolscouring.

3.3 In determining proposals, the local government is to have due regard to any comments or recommendations from DOW, and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The local government should also have regard to the management direction provided by the priority classification of certain areas, noting that—

- Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and
- Priority 3 (P3) areas are defined to manage the risk of pollution to the water source.

DIVISION B—STRUCTURE PLAN AREAS

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
9/1	Lot 97 Lintott Street and Rutherford Street, Manjimup	Residential R 20		
9/2	West Manjimup Structure Plan. Land bounded by Plunkett Street, Cronin Street, Caldwell Street and Somerville Street, Manjimup.	Residential R 5/ R 20	Shared costs of provision of engineering and other like studies, costs of provision of drainage, public open space and roads and road improvements.	
9/3	Stokes Street Structure Plan. Land bounded by Blechynden Street, Stokes Street, Muir Street, Manjimup.	Residential R 20	Local Water Management and Drainage.	
9/4	Location 6219 Perup Road, Manjimup.	Residential R 5	Connections to other nearby land to ensure provision is made for future development of land not yet required for foreseeable development.	
9/5	Lots 361, 362 and 363 and north-west portion of Lot 377, Blackbutt Drive and Aldersea Drive, Manjimup.	Residential R 12.5	Road connections if achievable between land in Loc. 377 and Blackbutt Drive having regard to slope and sight distances.	
9/6	Land bounded by Blechynden, Stokes and Karri Streets and Blackbutt Drive, Manjimup.	Residential R 20	Extreme slopes producing roading problems in terms of gradients and visibility distances combined with drainage issues	
9/7	Lot 3, 4, 7, 8, 9, 54, 55, 601, 602 and Nelson Location 1868, O'Connor Street, Manjimup.	Residential R 20		

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
9/8	Land bounded by Brockman Street, Walcott Street, Glew Street and Widdeson Street, Pemberton.	Residential R 5		
9/9	Lot 27, 28 and Nelson Location 7158 Boorara Road, Northcliffe.	Rural Residential (RR19)		
9/10	Wheatley Coast Road Quinninup (Karri Lakes)	Residential R 5		<p>No development or subdivision will be permitted until—</p> <ul style="list-style-type: none"> (i) The Department of Water has officially proclaimed that the Quinninup/Karri Lake Public Drinking Water Catchment Area has been relocated to an area which does not prohibit special residential subdivision on Lot 551; (ii) A detailed fire risk assessment and fire management plan is prepared and endorsed by the local government and the Fire and Emergency Services Authority; and (iii) A revised structure plan is prepared which adequately addresses to the satisfaction of the local government and relevant government agencies fire management, vehicular access, steeply sloping land and the extent to which any subdivision and development will require the removal of vegetation and the construction of retaining walls and other relevant environmental

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
				and servicing considerations.
9/11	Land bounded by Burma Road/the District Primary/High School site, the Arboretum and the National Park, Pemberton.	<p>1. The following uses are permitted "P"—</p> <ul style="list-style-type: none"> • Dwelling—Single • Outbuilding <p>2. The following uses are not permitted in the residential area unless approval is granted by Council "D"—</p> <ul style="list-style-type: none"> • HomeOccupation • Home Business • Holiday House • Bed and Breakfast • Public Utilities <p>3. The following uses are not permitted in the tourist development area of the Structure Plan unless approval is granted by Council "D"—</p> <ul style="list-style-type: none"> • Restaurant • Lodging House • Bed and Breakfast • Guest House • Shop <p>4. All other uses not mentioned in Clauses 1, 2 and/or 3 are not permitted "X".</p>		<p>1. Development is to be "generally in accordance" with a Development Guide Plan for the site adopted by Council and WAPC.</p> <p>2. Residential development shall accord with the development standards and density requirements of the "R20" standards of the Residential Design Codes of Western Australia, or any similar document prepared by the Western Australian Planning Commission in the future, irrespective of size, and shall be read in conjunction with Clause 3 below, in this regard, for the purposes of development and subdivision control, the fire buffer area shall not be included in the lot area calculation.</p> <p>3. Setback standards of the "R20" Residential Design Codes of Western Australia shall be those that correlate directly to those lot sizes proposed, except those lots containing a fire management buffer, in which the case the front, rear and side setback (whichever applies) shall be consistent with the fire buffer boundary.</p> <p>4. Prior to the issue of planning approval, the subdivider shall prepare building and landscaping design guidelines to the satisfaction of Council.</p> <p>5. Prior to the issue of titles, the subdivider shall provide a dual use pathway between the subject land the Pemberton High</p>

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
				<p>School to the satisfaction of Council.</p> <p>6. At the time of subdivision the subdivider shall establish at least two emergency escape routes to the satisfaction of Council prior to the issue of titles.</p> <p>7. Further subdivision of proposed Lot 156 (containing the existing residence on site) may be permitted in keeping with the area's prevailing lot size and shall include the equivalent fire management buffer to the state forest land. Access is to be obtained via the internal road network, not Burma Road.</p> <p>8. Notwithstanding the Development Guide Plan (DGP) indicating a 40m fire management buffer for lots adjacent to the zone boundary, increased building standards shall apply for all buildings within 100m of the external site boundary. Buildings and associated structures shall be constructed to the relevant Australian Standard for a "Medium" fire hazard rating or equivalent applying at the time of construction.</p> <p>9. A plan identifying building envelopes, for those perimeter lots adjoining State Forest and Unvested Crown Land, shall be in keeping with the Fire Management Plan.</p> <p>10. A restrictive covenant is to be placed on the Titles of the proposed lots precluding the clearing of native</p>

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
				<p>vegetation except for—</p> <ul style="list-style-type: none"> i. Clearing associated with the development of approved building envelopes— ii. Clearing associated with the endorsed Fire Management Plan— iii. Establishment of driveways and fence lines; iv. Removal of vegetation that is dead, dying or dangerous with written approval of Council. <p>11. A Landscaping Plan shall be prepared and implemented to the satisfaction of Council, prior to the clearance of subdivision.</p> <p>12. A Fire Management Plan in accordance with the “Planning for Bush Fire Protection” document, to be prepared and implemented to the satisfaction of the Council and the Fire and Emergency Services Authority Western Australia, prior to the issue of titles.</p> <p>13. A Preliminary Site Investigation shall be conducted prior to subdivision to determine the extent, if any, of ground or water contamination due to past rural uses.</p> <p>14. The proponent is required to connect the subject area to the Pemberton reticulated water supply and reticulated sewerage at their cost, prior to subdivision, to the satisfaction of the Water Corporation, Department of Health and the Shire of Manjimup.</p>

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
				<p>15. An Urban Water Management Plan is to be prepared to the satisfaction of the Department of Water and the Shire of Manjimup prior to the issues of titles.</p> <p>16. No materials from the dam are to be used for any purpose without the approval of the Shire of Manjimup and the Department of Environment and Conservation.</p> <p>17. The owners of the property shall lodge a record on the title under Section 70A of the <i>Transfer of Land Act 1893</i>, to advise prospective purchasers that—</p> <p>“The subdivision proposal has a common boundary with lands managed by the Department of Environment and Conservation and that some or all of the following management activities may occur in the State Forest from time to time—</p> <ul style="list-style-type: none"> • Prescribed burning for the enhancement and conservation of biodiversity and/or fire hazard reduction purposes; • Aerial and ground baiting with approved poisons to control introduced predators of native fauna as part of DEC’s Western Shield program; • Application of herbicides and other chemicals for weed and plant disease control; and • Road construction and maintenance”.

Area No.	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to clause 6.4.4.4)	Associated Provisions
				<p>18. The subdivider is to submit, together with any subdivision application, a “Sustainability Implementation Report”, which details the targets and method of delivery in respect to “sustainability outcomes” including—</p> <ul style="list-style-type: none"> • On-site power generation; • On-site water capture and reuse; • Re-use of grey water; and • Correct housing orientation for passive heating and cooling <p>A condition of subdivision may be imposed in order to achieve implementation of the agreed outcomes.</p>

DIVISION C—LAKE MUIR CONSULTATION AREA (SCA 10)

1.0 PURPOSE AND INTENT

To ensure that land use and development of properties surrounding Lake Muir takes place in a manner in which does not detrimentally impact upon the environmental and landscape values of the Lake.

2.0 REFERRALS OF APPLICATIONS

The local government is required to refer any development application within the Lake Muir Consultation Area to the Department of Environment and Conservation for advice prior to determination of the application.

3.0 RELEVANT CONSIDERATIONS

In determining land uses and development proposals within Lake Muir Consultation Area, the local government will have due regard to comments received from the Department of Environment and Conservation. The local government may impose relevant conditions to prevent or minimise impacts upon the environmental and landscape values of the Lake.

Schedule Twelve
FORM OF APPLICATION FOR PLANNING APPROVAL
 SHIRE OF MANJIMUP
Local Planning Scheme No. 4
Application for Planning Approval

Owner details—

Name—

Address—

Postcode:

Phone:

FAX:

Home:

Work:

Email:

Mobile:

Contact Person—

Signature:

Date:

Signature:

Date:

The signature of the owner(s) is required on all applications. This application will not proceed without that signature.

Applicant details—

Name—

Address—

Postcode:

Phone:

FAX:

Home:

Work:

Mobile:

Email:

Contact Person for Correspondence—

Signature:

Date:

Part 2**Property details—**

Lot No.

House/Street No:

Location No:

Diagram or Plan No—

Certificate of Title Vol. No:

Folio:

Diagram or Plan No—

Certificate of Title Vol. No:

Folio:

Title encumbrances (e.g. easements, restrictive covenants)—

Street name:

Town/Locality

Nearest Street Intersection:

Existing building/land use:

Description of proposed development and/or use—

Nature of any existing buildings and/or use—

Does this proposal require the clearance of native vegetation indigenous to the local area—
If so what is the area—

Approximate cost of proposed development—

Estimated time of completion—

Office Use Only

Acceptance Officer's initials:

Date Received—

Shire Reference No:

Schedule Thirteen

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Planning and Development Act 2005

SHIRE OF MANJIMUP

Determination on Application for Planning Approval

Location:

Lot:

Plan/Diagram:

Vol. No:

Folio No:

Application Date:

Received on:

Description of proposed development:

The application for planning approval is—

- Granted with no conditions
- Granted subject to the following conditions—
- Refused for the following reason(s)

Conditions/reasons for refusal—

Note 1: If the development the subject of this approval is not substantially commenced in the opinion of the local government within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the *Planning and Development Act 2005*. A request for review must be lodged within 28 days of the determination.

Signed:

Date:

.....
for and on behalf of the Shire of Manjimup.

Schedule Fourteen
NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL
 Planning and Development Act 2005
 SHIRE OF MANJIMUP

Notice of Public Advertisement of Planning Proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: _____ Street: _____

Locality: _____

Proposal:

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

Signed:

Date:

for and on behalf of the Shire of Manjimup.

Schedule Fifteen
EXEMPTED ADVERTISEMENTS

Land use and/or development requiring advertisement	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless other- wise stated.)	Maximum area of exempted sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (Illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A

Land use and/or development requiring advertisement	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	Maximum area of exempted sign
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

Temporary Signs	Exempted sign type and number(All non-illuminated unless otherwise stated)	Maximum area of exempted sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)— (i) Dwellings (ii) Multiple Dwellings, Shops, Commercial and Industrial projects. (iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work. One sign as for (i) above. One additional sign showing the name of the project builder	2m ² 5m ² 10m ²
Sales of Goods or livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or Livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²

Temporary Signs	Exempted sign type and number(All non-illuminated unless otherwise stated)	Maximum area of exempted sign
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows. (a) Dwellings (b) Multiple dwellings, shops, Commercial and Industrial Properties. Large properties comprised of shopping centres, buildings in excess of 4 storeys and rural properties in excess of 5ha.	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above. One sign as for (a) above.	Each sign shall not exceed an area of 2m ² . Each sign shall not exceed an area of 5m ² . Each sign shall not exceed an area of 10m ² .
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Schedule Sixteen

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

Note: To be completed in addition to the Application for Planning Approval form

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—

.....

2. Details of proposed sign—

- (a) Type of structure on which advertisement is to be erected (i.e. free standing, wall mounted, other):.....

- (b) Height:..... Width:..... Depth:.....
- (c) Colours to be used:.....
- (d) Height above ground level—
 —(to top of advertisement):.....
 —(to underside):.....
- (e) Materials to be used:.....

Illuminated: Yes / No

If yes, state whether steady, moving flashing, alternating, digital, animated or scintillating and state intensity of light source:.....

Period of time for which advertisement is required:.....

3. Details of signs (if any) to be removed if this application is approved—

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s):

(if different from landowners)

Date:

Schedule Seventeen
ABBREVIATIONS

FESA—Fire and Emergency Services Authority of Western Australia

GEHA—Government Employees Housing Authority

DoW—Department of Water

DEC—Department of Environment and Conservation

DEC was the Department of Conservation and Land Management is now the Department of Environment and Conservation

Schedule Eighteen
RESTRICTED USES

No.	Land Description	Restricted Use
RU 1	Lots 102, 104 and 105 Brockman Street, Pemberton	Uses of properties within this zone shall be confined to those uses which are permissible under the <i>Environmental Protection (Noise) Regulations 1997</i> given the impact of the operations of the Karri Mill.
RU 2	Lots 1 and 2 Boronia Street, Walpole	Given the particular location of the land in relation to its setting the land is particularly suited to tourist development and land uses. The development or redevelopment of the lots shall be predominantly for tourist purposes and no less than 75% of the floor space of any buildings shall be set aside for tourism purposes.

Schedule Nineteen
DEVELOPMENT INVESTIGATION AREAS

(Clause 6.5)

Area numbers in the Table below relate to Development Investigation Areas (DIA) shown on the Scheme Map. (eg. DIA 1).

DIA's require concurrent rezoning and a full environmental assessment to be carried out, to the satisfaction of the Environmental Protection Authority, prior to consideration of Structure Plans.

Area No.	Description of land Area	Land Use Expectation	Matters to be Addressed in Rezoning and Structure Plans (in addition to clause 6.4.4.4)
2	Lot 7, One Tree Bridge, Graphite Road	Expansion of Tourist Uses	
3	Locations 10279 10280 and 10281, Pemberton— Northcliffe Road and Datchett Road, Northcliffe	Rural-Residential	The land contains an area of significant bushland and the Structure Plan will need to identify the extent of that bushland to be conserved and set aside for conservation purposes with the result that not all of the land may be suitable for the expected purpose.

Area No.	Description of land Area	Land Use Expectation	Matters to be Addressed in Rezoning and Structure Plans (in addition to clause 6.4.4.4)
4	Locations 10284 and 10285, Pemberton-Northcliffe Railway, Northcliffe.	Rural-Residential	
5	Locations 10196, 10195, 12633, Lots 53—56 (incl) and 11652, Clarke Road, Bridge Road and Jones Road, Walpole	Rural-Residential	Predominantly rural-residential but, subject to justification, tourist uses.
6	Lot 299 and Lots 1 and 2 location 9789 bounded by former Railway Reserve, West Boundary Road and the rear of properties in Lintott St, Manjimup	Predominantly residential but with other urban uses as may be justified in each case.	Planning for the subdivision and development of this area will need to be considered against the broader, overall requirements of the town of Manjimup with respect to roads, open space and connections between Ipsen Street and Graphite Road.
7	Land bounded by former Railway Reserve, Springall St and West Boundary Road and Cronin St, Manjimup	Predominantly residential but with other urban uses as may be justified in each case.	<p>Planning for the subdivision and development of this area will need to be considered against the broader, overall requirements of the town of Manjimup with respect to roads, open space and connections between Ipsen Street and Graphite Road.</p> <p>The area is traversed by significant water courses and a Local Water Management Plan will be required in addition to other relevant studies.</p>
8	Land bounded by West Boundary Rd, Muschamp Rd, Springall St and Burton Road, Manjimup	Predominantly rural-residential or other Low density residential.	
9	Land bounded by Burton, Becker, Springall and Southern Streets, Manjimup	Predominantly rural-residential or other Low density residential.	
10	Land bounded by Southern, Burton and Chopping Streets and Seven Day Road, Manjimup	Predominantly rural-residential	Much of the subject land is within the Obstacle Surface Limit for the Airport with the result that the height of buildings will need to be considered and measures taken to mitigate the effects of noise from overflying aircraft.
11	Land bounded by Springall, Becker and Chopping Streets, Manjimup	Urban development and/or low density residential.	
12	Lots 374, 500 and 501, Perup Road, East Manjimup	Predominantly residential but with other urban uses as may be justified in each case.	Provision needs to be made for coordination with the subdivision and development of land to the south.
13	Locs 31 and 184 Muirs Highway and Aldersea Drive, Manjimup	Low density development with possible urban development subject to justification.	Road linkages with Aldersea Drive and Muirs Highway, as a major highway, need to be considered in the context of overall townsite roading plans involving land to the east.
14	Loc 1921 Muirs Highway, Manjimup	Industry and/or other uses compatible with industrial activity.	

Area No.	Description of land Area	Land Use Expectation	Matters to be Addressed in Rezoning and Structure Plans (in addition to clause 6.4.4.4)
15	Pt Lots 689 and 774, Franklin Street, Manjimup.	Industry and/or other uses compatible with industrial activity.	
16	Land bounded by State Forest, Golf Links Road and Vasse Highway, Pemberton.	Rural-residential and Landscape Protection with more intensive subdivision as may be justified.	The viewsheds from Vasse Highway and other public vantage points need to be taken into account together with suitable protection of established agricultural practices on nearby land under intensive agricultural activity.
17	Land bounded by Golf Links Road, Kemp Road and State Forest, Pemberton.	Rural-residential and Landscape Protection.	
18	Land bounded by Burma Road, the District Primary/High School site, the Arboretum and National Park, Pemberton.	Residential	
19	Land bounded by Abbott Street and Burma Road/Johnston Street, Pemberton (Former Pempine Mill site).	Residential and adjunct to National Park as identified by detailed studies of the land.	Site contamination will need to be addressed among other things to determine the land's suitability for the various uses.
20	Lots 1 and 2 Dean Street, bounded by State Forest, Pemberton.	Low-impact tourism development.	Existing vegetation to be protected as far as practicable with development being located close to the western boundary of the land.
21	Land bordering Dickinson Street and the Pemberton tramway Reserve, Pemberton.	To be determined by studies in the light of site constraints.	The land is within the 500m buffer zone of the Pemberton Karri Mill and may not be suitable for residential purposes unless noise exemption is granted.
22	Lots 236 and 265 Widdeson, Glew, Johnston and Guppy Streets, Pemberton.	Residential.	
23	Land in Swimming Pool Road, Club Road and Brockman Street, Pemberton.	Possible tourism and other like uses.	As the land is within the 500m buffer zone of the Pemberton Karri Mill, development needs to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and any approval or exemption issued under these regulations in relation to the mill and/or proposed development.
24	Land fronting Main Road, Stewart Street and Wheatley Coast Road, Northcliffe.	Residential or other urban uses as may be determined by detailed study.	
25	Land east of Stewart Street and the rear boundaries of properties in Swarbrick Street, Walpole.	Residential	
26	Lot 23, Vasse Highway and Stirling Road, Pemberton.	Rural, Tourist and Recreational Development with possibly some residential development.	Maintenance of the landscape values of the land to the town of Pemberton and the adjoining tourist routes, through sensitively designed and located development, land use and structures.

Area No.	Description of land Area	Land Use Expectation	Matters to be Addressed in Rezoning and Structure Plans (in addition to clause 6.4.4.4)
27	Loc 8691, Corner Double Bridges and Wheatley Coast Roads, Northcliffe	Rural-Residential	<ol style="list-style-type: none"> 1. Provision to be made for road linkages to the western boundary of the land so that, in the future, connection can be made to an extended Parkfield Drive through Location 8692 to Double Bridges Road. 2. Land capability and other environmental studies being undertaken to demonstrate the capacity of the site to support the more intensive use of the land.
28	Lots 1—4, 6, 7 and Lot 19 Vasse Highway, (Karri Valley resort) Karri Valley	<p>The following uses are expected in addition to those permitted by the underlying Tourist Enterprise Zone and the provisions of Schedule 5 relating to TE 3 subject to a maximum amount of development equivalent to that shown on the Master Plan dated 24th May 2007—</p> <p>Residential—(low density R5 or less)</p> <p>Rural-Residential—Clustered or otherwise—(Minimum Lot size of 1ha or lot yield equivalent)</p> <p>Shop;</p> <p>Convenience Store;</p> <p>Home Office</p>	<ol style="list-style-type: none"> 1. A Fire Risk Assessment both from external and internal sources and a Fire Management Strategy addressing, inter alia, the conclusions of the Fire Risk Assessment and the standard of construction of all buildings on the land is to be prepared to the satisfaction of the Council having regard to the principle and practice advocated in the WAPC's Planning for Bushfire Protection; 2. Setbacks from surrounding National Parks as may be required by the Department of Environment and Conservation. 3. Means of escape in case of fire including but not limited to the provision of additional points of access to Vasse Highway and possible linkages to Hopparden Road; 4. Environmental assessment of the land identifying the location of, and measures to be adopted for the protection of rare flora and fauna and the preparation of a Management Plan to manage areas of natural vegetation; 5. The provision of all essential services including water reticulation, sewerage or on-site waste water disposal, drainage, power, telephone and other telecommunications with safeguards in the form of legal agreements as necessary to indemnify the local government against any responsibility with respect to provision of any services especially water and sewerage; 6. The treatment and disposal of all waste products including sewerage and household refuse, waste transfer facilities, drainage from paved areas and the methods by which existing land fill sites will be rehabilitated to facilitate development; 7. Innovative design with particular emphasis on a "Clustered Development" approach in bushland areas to minimise vegetation removal, impact on landscape and bushfire risk and to maximise efficiency of essential services;

Area No.	Description of land Area	Land Use Expectation	Matters to be Addressed in Rezoning and Structure Plans (in addition to clause 6.4.4.4)
			8. Sustainability as assessed through a balance of economic, environmental and social impacts; 9. Design guidelines involving the interaction of building type and style with landscape considerations and building in bush fire prone areas and incorporating a Visual Impact Assessment; 10. Water management including surface water run-off from buildings, roads, paths and other hard surfaced areas and its treatment before disposal to natural water bodies or courses through the preparation of a Drainage Management Plan.

ADOPTION

Adopted by resolution of the local government of the Shire of Manjimup at the meeting of the local government held on the 13th day of July 2006.

WADE DE CAMPO, President.

Date: 17/10/08.

JEREMY HUBBLE, Chief Executive Officer.

Date: 17/10/08.

FINAL APPROVAL

Adopted by resolution of the local government of the Shire of Manjimup at the meeting of the local government held on the 24th day of September 2009 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

WADE DE CAMPO, President.

Date: 24/9/09.

JEREMY HUBBLE, Chief Executive Officer.

Date: 24/9/09.

Recommended for Approval—

Delegated Under Section 16 of the *Planning and Development Act 2005*

Signed: MIKE SCHRAMM.

Date: 22/10/10.

Final Approval—

JOHN DAY, Minister for Planning.

Date: 11/11/10.